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ABSTRACT

This pamphlet contains the text of, and hearings on, a bill to establish a program of nutrition education for children as a part of the national school lunch and child nutrition programs. The bill also amends the National School Lunch and Child Nutrition Acts for purposes related to strengthening the existing child nutrition programs. (JF)

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NATIONAL SCHOOL LUNCH ACT

HEARINGS

BEFORE THE

GENERAL SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

ON

H.R. 4974

A BILL TO ESTABLISH A PROGRAM OF NUTRITION EDUCATION FOR CHILDREN AS A PART OF THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS AND TO AMEND THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS FOR PURPOSES RELATED TO STRENGTHENING THE EXISTING CHILD NUTRITION PROGRAMS

HEARINGS HELD IN WASHINGTON, D.C.
MARCH 8, AND JULY 11, 1973

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

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NATIONAL SCHOOL LUNCH ACT

THURSDAY, MARCH 8, 1973

House of Representatives,
General Subcommittee on Education
of the Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to call, in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Lehman and Quie.

Staff members present: John F. Jennings, majority counsel; Charles W. Radcliffe, minority counsel for education; and Mrs. Marian Wyman, special assistant to the chairman.

Chairman **Perkins**. The committee will come to order. A quorum is present.

The General Subcommittee on Education is beginning hearings today on H.R. 4974, a bill to amend the National School Lunch Act and the Child Nutrition Act.

[Text of H.R. 4974 follows:]

[H.R. 4974, 93d Cong., 1st Sess.]

A BILL To establish a program of nutrition education for children as a part of the national school lunch and child nutrition programs and to amend the National School Lunch and Child Nutrition Acts for purposes related to strengthening the existing child nutrition programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Nutrition Education Act of 1973".

Sec. 2. (a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to formulate the basic elements of a nutrition education program for children to be extended on a voluntary basis through State educational agencies to schools and service institutions as a part of the school lunch and child nutrition programs. Such a program shall include, but shall not be limited to, the preparation of course outlines, based on the advice of experts in the field of child nutrition, classroom teaching aids, visual materials, the training of school food service personnel, and the training of teachers to conduct courses in nutrition utilizing the school food service program as a laboratory. In developing such a program the Secretary shall consult with the Office of Education of the Department of Health, Education, and Welfare and with recognized authorities in the field of human nutrition and nutrition education.

(b) For the fiscal year 1974, the Secretary is authorized to use not to exceed $2,000,000 out of funds made available for the conduct of school lunch and child nutrition programs for the purpose of developing a nutrition education program as outlined under (a) above. From the funds made available under this subsection, the Secretary shall advance to each State educational agency an amount not to exceed $25,000 for the fiscal year 1974. The amounts so advanced shall be for the purpose of the employment of a nutrition education specialist in each State educational agency in order to provide for the planning and development of a nutrition education program for the children in each State.

(c) For the fiscal year 1975 grants to the States for the conduct of nutrition education programs for children shall be based on a rate of 50 cents for each child enrolled in schools or service institutions within the State and, for each fiscal year thereafter, grants will be based on rate of $1 for each child so enrolled. Enrollment data so used will be the latest available as certified by the Office of Education of the Department of Health, Education, and Welfare.

(d) The funds made available under subsection (c) may be used for the employment of personnel including supporting services, in the State educational agencies to coordinate and promote the conduct of nutrition education programs in participating school districts, and for other purposes related to such programs.

There is hereby authorized to be appropriated the funds necessary to carry out the purpose of this section.

(e) A nutrition education advisory council shall be established in each State to provide guidance and assistance in formulating the nutrition education program to be conducted in the State under the authority of this section. The members of the council shall be appointed by the chief state school officer of each State, and approved by the State educational agency and shall be professionals in the fields of nutrition, education, health, and welfare.

STATE ADMINISTRATIVE EXPENSES

SEC. 3. Section 7 of the Child Nutrition Act of 1966 is amended by adding at the end thereof the following:

"For each fiscal year beginning with the fiscal year 1974, State educational agencies are authorized to use an amount, not to exceed 2 per centum of aggregated payments made to such agencies by the Secretary under the National School Lunch Act and the Child Nutrition Act of 1966 in the preceding fiscal year, to assist in the administration and supervision of the programs authorized under such Acts: *Provided*, That not less than 75 per centum of any funds used under this authority shall be directed to the employment of field nutrition supervisors and auditors who have a certificate of training in the subject areas or the equivalent in the field supervisory or auditing experience; *Provided further*, That the funds expended under this section shall be used to supplement the existing level of administrative support services and expenditures therefor for the child nutrition programs in each State."

SCHOOL BREAKFAST PROGRAMS

SEC. 4. (a) The first sentence of section 4(c) of the Child Nutrition Act of 1966 is amended to read as follows:

"Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency to assist such schools in financing the costs of operating a breakfast program and for the purpose of subsection (d)."

(b) The second sentence of section 4(c) of the Child Nutrition Act of 1966 is deleted.

(c) Section 4(b) of the Child Nutrition Act of 1966 is amended by adding the following paragraphs at the end of such section:

"The national average payment established by the Secretary for all breakfasts served to eligible children shall not be less than 8 cents; an amount of not less than 15 cents shall be added for each reduced-price breakfast; and an amount of not less than 20 cents shall be added for each free breakfast. In cases of severe need, a payment of up to 45 cents may be made for breakfasts served to children qualifying for a free breakfast.

"For the fiscal years subsequent to the fiscal year beginning July 1, 1973, the breakfast payments specified in this subsection shall reflect changes in the cost of operating a school breakfast program under this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor."

NATIONAL ADVISORY COUNCIL

SEC. 5. Section 14 of the National School Lunch Act is amended as follows:

(1) In subsection (a) replace the word "thirteen" with the word "nineteen" and insert after the phrase "(or the equivalent thereof)", the first time it appears the following: "one member shall be a supervisor of a school lunch program in a school system in an urban area (or the equivalent thereof); one member shall be a supervisor of a school lunch program in a school system in a rural area;

two members shall be parents of school age children; two members shall be secondary school students participating in the school lunch program,";

(2) Subsection (b) is amended by striking out "nine" and inserting in lieu thereof "fifteen", and by adding the following to said subsection: "The new members to be appointed to the council as provided for by reason of the amendment to subsection (a) made by section 5 of the Child Nutrition Education Act of 1973, shall be appointed for terms of three years, except that the terms of the secondary students shall be two years."

(3) In subsection (e), delete the word "seven" and insert in lieu thereof the word "ten".

(4) Subsection (f) is amended by adding the following at the end of such subsection: "For the purpose of obtaining information incident to making the aforesaid recommendations, the council, by vote of its members present may request the appearance, at any of its meetings, of representatives from governmental or nongovernmental agencies or organizations concerned with the nutrition and welfare of children."

(5) Such section is amended by adding at the end thereof the following:

"(i) The Council shall continue in existence until terminated by Act of Congress enacted after the enactment of the Child Nutrition Education Act of 1973."

REGULATIONS

Sec. 6. The National School Lunch Act is amended by adding after section 15 the following new section:

"Sec. 16. Prior to the publication in the Federal Register of any proposed regulations to implement the provision of this Act or the Child Nutrition Act of 1966, the Secretary shall solicit the comments and recommendations of the National Advisory Council on Child Nutrition, and a representative group of State and local school food service administrators and selected lay citizens and shall establish a five-member group to work with the Department of Agriculture in the development of such regulations that reflect the comments of such groups."

REIMBURSEMENT

Sec. 7. (a) Section 4 of the National School Lunch Act is amended to delete the phrase "8 cents per lunch" as it appears in said section and substitute the phrase "10 cents per lunch. For the fiscal years subsequent to the fiscal year beginning July 1, 1973, the national average payment shall reflect changes in the cost of operating the school lunch program under this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor."

(b) In any fiscal year in which the national average payment is increased above the amount prescribed in the previous fiscal year, the maximum Federal food-cost contribution rate, for the type of lunch served, as provided for under section 8 of the National School Lunch Act, shall be increased by a like amount.

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Sec. 8. Section 13 of the National School Lunch Act is amended by adding the following to subsection (d) of said section: ": *Provided, however,* That the Secretary may enter into agreement with State educational agencies for the administration of the program in situations where it is conducted under sponsorship of the local government. In such situations the Secretary shall reimburse participating service institutions through State educational agencies under agreement with the Secretary".

COMPETITIVE FOODS

Sec. 9. (a) Section 9(a) of the National School Lunch Act (nutritional and other program requirements) is amended by adding at the end thereof the following: "Additional foods which make a significant nutritional contribution may be offered for sale to children during the periods of food service conducted under programs authorized under this Act and the Child Nutrition Act of 1966 to the extent such offerings are necessary to meet nutritional needs of pupils in participating schools: *Provided, however,* That the sale of such additional foods shall be under the management and control of the food service department of the school and proceeds from such sales shall accrue to said department."

(b) The second sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is deleted.

SPECIAL ASSISTANCE FUNDS

SEC. 10. (a) Section 11 of the National School Lunch Act is amended by redesignating subsection (h) as subsection (c), and striking out subsections (a), (b), (c), (d), (e), (f), and (g) and inserting in lieu thereof the following:

"(a) Except as provided in section 10 of this Act, in each fiscal year each State educational agency shall receive special assistance payments in an amount to be determined in the following manner: multiplying the number of lunches (consisting of a combination of foods and meeting the minimum nutritional requirements prescribed by the Secretary pursuant to subsection 9(a) of this Act) served free to children eligible for such lunches in schools within that State during such fiscal year by the special-assistance factor for free lunches prescribed by the Secretary for such fiscal year and multiplying the number of lunches served at a reduced price to children eligible for such reduced-price lunches in schools within that State during such fiscal year by the special-assistance factor for reduced-price lunches prescribed by the Secretary for such fiscal year. For the fiscal year beginning July 1, 1973, the Secretary shall prescribe a special-assistance factor for free lunches of not less than 45 cents and a special-assistance factor for reduced-price lunches which shall be 10 cents less than the special-assistance factor for free lunches. For fiscal years subsequent to the fiscal year beginning July 1, 1974, the special-assistance factor to be prescribed by the Secretary for free lunches shall reflect changes in the cost of operating a school lunch program under this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor.

"(b) Except as provided in section 10 of the Child Nutrition Act 1966, the special-assistance payments made to each State agency during each fiscal year under the provisions of this section shall be used by such State agency to assist schools of that State in financing the cost of providing free and reduced-price lunches served to children pursuant to subsection 9(b) of this Act. The amount of such special assistance funds that a school shall from time to time receive, within a maximum per lunch amount established by the Secretary for all States, shall be based on the need of the school for such special assistance. Such maximum per lunch amount established by the Secretary shall not be less than 60 cents."

(b) Subsection (c) of such section (as so redesignated by subsection (a)) is amended by adding at the end thereof the following:

"(4) Notwithstanding any other provision of this Act, in the case of any school attendance unit in which 85 per centum or more of the students are eligible for free or reduced-price meals, all students in such school attendance units shall be served meals free of charge. In such case, all meals served in such attendance unit shall be reimbursed at the special assistance factor for free lunches approved by the State educational agency."

COMMODITIES

SEC. 11. Section 9 of the National School Lunch Act is amended by adding the following subsection:

"(d) In any fiscal year in which the Secretary is unable to expend the full amounts budgeted and programmed for the purchase of commodities under section 6 of this Act and section 32 of the Act of August 24, 1935, the amounts unexpended shall be distributed among the States for the purchase of food by public and nonprofit private schools participating in the school lunch program. The determination of the amounts available for such distribution shall be made by February 1 of each fiscal year and the actual distribution shall be made as soon as practicable after that date, but in no event later than March 15. The distribution of funds to the States under this section shall be made on the basis of the formula used in allocating section 6 and section 32 commodities for the school lunch program among the States."

DEFINITIONS

SEC. 12. Subsection 5(e) of the Child Nutrition Act of 1966 is amended by adding the following sentence at the end of such subsection: "For the purposes of this subsection the term 'schools without a food service' shall include those schools which have initiated food service on a temporary and emergency basis and desire to establish an improved and more effective food service on a permanent basis to better meet the needs of children in attendance."

APPROPRIATIONS FOR NON-FOOD ASSISTANCE

SEC. 13. The first sentence of section 5(a) of the Child Nutrition Act of 1966 is amended by deleting the figure "$20,000,000" and substituting the figure "$40,000,000".

EXTENSION OF PROGRAM TO ALL SCHOOLS

SEC. 14. Section 8 of the National School Lunch Act is amended by adding the following before the period at the end of said section: ": *Provided*, That a school food authority that operates a school lunch program under this Act in one or more of the public schools under its jurisdiction shall operate the program in all schools under its jurisdiction by no later than the fiscal year ending June 30, 1975. It is further provided that the national school lunch program is to be extended, by September 1, 1975, to all public schools in which children are in attendance who qualify for free or reduced-price lunches under the standards established by this Act."

INCLUSION OF TRUST TERRITORY

SEC. 15. Subsection (d) of section 12 of the National School Lunch Act, as amended, is amended by inserting the phrase "the Trust Territory of the Pacific Islands," before the word "or" in paragraph (1); by deleting paragraphs (4), (5), and (6); and by redesignating paragraph (7) as paragraph (4).

GRANTS FOR PROGRAM COSTS

SEC. 16. The National School Lunch Act is amended by adding at the end thereof the following:

"LOCAL COSTS OF SUPERVISION

"SEC. 17. The Secretary is authorized to make grants to State educational agencies, out of amounts appropriated by Congress for the purposes of this section, to assist in the supervision of local program operations. The grant to each State is to be determined on the basis of $250 for each school attendance unit participating in programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966."

Chairman PERKINS. Although H.R. 4974 contains many provisions strengthening the administration of the lunch, breakfast, and other child nutrition programs, I conceive of the bill as having two principal purposes.

The first purpose is to make the elements of nutrition education an essential part of the schooling of all children in this country. To achieve this purpose, the bill authorizes grants to the States in order to establish or expand nutrition education courses.

The bill also repeals a provision of the Child Nutrition Act enacted last year which condones the use of vending machines offering nonnutritious foods in the school cafeterias of the country.

I believe that this section must be repealed if we are not to frustrate all efforts at providing sound nutrition for our youth. Our bill would provide instead that additional foods may only be available in school cafeterias when they have nutritional value for the students and when they are under the supervision of the people responsible for the food service program in the school.

The second basic purpose of H.R. 4974 is to increase Federal support for the school lunch and breakfast programs The rate of reimbursement for these programs will be increased under the bill from 8 cents a meal to 10 cents a meal, and the additional reimbursement for free meals will be increased from 40 cents to 45 cents

I believe that the increased reimbursement for free meals is necessary in order to permit the Federal Government to continue to meet its goal of feeding all needy children. As President Nixon stated a couple of years ago, we must assure that no needy child goes hungry in this country. This bill would help us to meet that commitment.

The bill, by increasing the basic support from 8 cents to 10 cents a meal would also help us to stop a very disturbing trend I see developing in the school lunch program. According to a recent survey conducted by the committee, there has been a decline within the last year of more than 300,000 children who paid the full price for their lunches.

These statistics indicate to me that the recent growth in the school lunch program has resulted almost exclusively from the substantial increase in the number of students receiving free meals and that there has actually been a decline in the number of students paying the full cost of their meals.

Although some of the students who paid the full cost last year may now be receiving free meals, my suspicion is that many of them have simply dropped out of the school lunch program. This is due to the fact that many school districts have had to increase the price of their meals because of rising food prices and higher employee salaries.

If the Federal Government does not increase its support for the school lunch program, I am afraid that many more students—who are mostly from middle income families—will drop out of the school lunch program.

I am sure that if they drop out, their nutritional needs will not be as fully met as if they had participated.

I would like our witnesses today to comment on these observations and to tell me whether their experiences on the local and State level have led them to the same conclusions.

Our first witnesses today are Miss Josephine Martin, Atlanta, Ga.; Mrs. Gretchen Plagge, Mr. John Stalker, and Mrs. Gene White. All of you may come around and, Dr. Perryman, I presume you will want to get in the center of the panel and call on the witnesses. You proceed in any way that you prefer.

We are delighted to welcome all of you here again. Miss Martin and Dr. Perryman have been before this committee on numerous occasions.

Go ahead, Dr. Perryman.

Without objection, all prepared statements will be inserted in the record.

AMERICAN SCHOOL FOOD SERVICE ASSOCIATION—A PANEL CONSISTING OF JOHN PERRYMAN, EXECUTIVE DIRECTOR; JOSEPHINE MARTIN, ATLANTA, GA.; JOHN STALKER, BOSTON, MASS.; MRS. GENE WHITE, CHINA LAKE, CALIF.; GRETCHEN PLAGGE, SANTA FE, N. MEX.; AND, JEANETTE SCHINN, DADE COUNTY, FLA.

Mr. PERRYMAN. Thank you very much, Mr. Chairman. On behalf of the more than 55,000 members of the American School Food Services Association, I want to express our appreciation for this opportunity to meet before this subcommittee this morning and to testify on your bill, H.R. 4974.

It is not my purpose this morning to make a statement, but rather to call upon this panel that we have brought with us. The legislation is extensive. It does have many parts, and therefore, in an effort to avoid repetition and to make the best use of the committee's time, we have given assignments to these very competent people this morning and I will ask them to testify on various parts of the bill.

I would like first of all to call upon the chairman of our Legislative Committee, Miss Josephine Martin, director of the school lunch program for the State of Georgia.

Miss MARTIN. Mr. Chairman and members of the committee, my name is Josephine Martin. I am administrator of the Georgia school food service program and chairman of the Legislative Committee.

I welcome the opportunity to testify in support of H.R. 4974, The Child Nutrition Education Act of 1973.

First, Mr. Chairman, I wish to thank you and the members of the Education and Labor Committee for enactment of legislation in the area of child nutrition, and in the total education arena.

Under your leadership, education in the United States has been reformed, and food service is an important part of that reformation: The Child Nutrition Act of 1966, which established the breakfast program; Public Law 91-248, the bill that assured every economically needy child the right to a lunch at school; Public Law 92-153, the bill that guaranteed funds to provide the economically needy child a lunch; and Public Law 92-433, the bill that extended the breakfast program and stabilized the financial structure of that program for all children.

Each of these laws has made a specific dynamic contribution toward the goal of "putting an end to hunger in America's classrooms" and to the broader goal of school nutrition programs as a right for all children.

As dramatic as the growth has been since 1970, the task is not finished. There are still 18,000 schools without food service, 2 million needy children are not being reached, and several million children for whom breakfast should be provided. Nutrition education hardly is being taught, while research is telling us more about the direct relationships between nutrition and physical, emotional and mental health and development.

H.R. 4974, the Child Nutrition Education Act of 1973, provides a bridge between the current status of child nutrition programs and our goal of school food service and nutrition education as a basic part of every child's educational opportunity.

H.R. 4974 contains necessary legislative provisions and funding authorities essential to maintaining the dynamic growth experienced since 1970, and provisions which will make child nutrition programs more responsive to nutritional needs of children.

As I have studied the bill, it seems to me that it has provisions which are needed. No. 1, it establishes standards for all food served in school. No. 2, it provides for a nutrition program for the State. No. 3, it provides for a sounder basis for program planning, administration and operation.

No. 4, it provides a foundation for expanding programs to reach all schools by 1975. No. 5, it establishes a sound financial structure for child nutrition programs.

This morning my statement focuses on those provisions of H.R. 4974 which provide a sounder basis for program planning, administration and operation of child nutrition programs by: (1) increasing the size of the National Advisory Council to make it more representative and to enlarge its responsibilities to include planning.

(2) Providing for participation of the National Advisory Council and local and State school food service administrators in working

with USDA to prepare regulations; (3) providing for more adequate and equitable funding for State administrative expenses and the framework for staffing to meet program requirement;

(4) Providing funds to assist the local systems with administration and supervision; (5) providing for State educational agencies to administer special food programs for children when operated by local government.

The second part of the bill, which I would like to make some remarks about, provides a foundation for expanding programs to reach all schools by 1975 by establishing a permanent authorization for nonfood assistance of $40 million; by providing a broader definition of no-program schools as related to nonfood assistance funds; by establishing requirements for all schools within a district to operate lunch programs by June 30, 1975.

I would like to submit my testimony for the record, but with your permission, focus on four points.

Chairman **Perkins**. Without objection, it is so ordered.

[The statement referred to follows:]

Statement of Josephine Martin, Administrator, School Food Service Program, Georgia Department of Education and Chairman, Legislative Committee, American School Food Service Association

Mr. Chairman and members of the committee: My name is Josephine Martin. I am Administrator of the Georgia School Food Service Program and Chairman of the American School Food Service Association Legislative Committee. I welcome the opportunity to testify in support of H.R. 4974, The Child Nutrition Education Act of 1973.

First, Mr. Chairman, I wish to thank you and the members of the Education and Labor Committee for enactment of legislation in the area of child nutrition, and in the total education arena. Under your leadership, education in the United State has been reformed, and school food service is an important part of that reformation: The Child Nutrition Act of 1966, which established the breakfast program; Public Law 91-248, the bill that assured every economically needy child the right to a lunch at school; Public Law 92–153, the bill that guaranteed funds to provide the economically needy child a lunch; and Public Law 92–433, the bill that extended the breakfast program and stabilized the financial structure of that program for all children. Each of these laws has made a specific dynamic contribution toward the goal of "putting an end to hunger in America's classrooms" and to the broader goal of school nutrition programs as a right for all children.

As dramatic as the growth has been since 1970, the task is not finished. There are still 18,000 schools without food service, two million needy children are not being reached, and several million children for whom breakfast should be provided. Nutrition education hardly is being taught, while research is telling us more and more about the direct relationships between nutrition and physical, emotional, and mental health and development.

H.R. 4974, the Child Nutrition Education Act of 1973, provides a bridge between the current status of child nutrition programs and goal of school food service and nutrition education as a basic part of every child's educational opportunity. H.R. 4974 contains necessary legislative provisions and funding authorities essential to maintaining the dynamic growth experienced since 1970, and provisions which will make child nutrition programs more responsive to nutritional needs of children.

The bill fills many gaps in the current legislation, provides a framework for program expansion, and simplifies administration of child nutrition programs.

H.R. 4974 provides a sounder basis for program planning, administration, and operation of child nutrition programs:

(1) Increases size of National Advisory Council to make it more representative and enlarges its responsibilities to include planning (Section 5).

(2) Provides for participation of National Advisory Council and local and state school food service administrators in working with USDA in proposing regulations (Section 6).

(3) Provides for more adequate and equitable funding for state administrative expense and a framework for staffing to meet program requirements (Section 3).

(4) Provides funds to assist local systems with administration and supervision (Section 17).

(5) Provides for State Educational Agencies to administer Special Food Programs for Children when operated by local governments (Section 8).

H.R. 4974 provides a foundation for expanding program to reach all children:

(1) Establishes permanent authorization for non-food assistance of $40 million (Section 13).

(2) Provides broader definition of no-program schools as related to non-food assistance (Section 12).

(3) Establishes requirements for all schools within a district to operate lunch programs by June 30, 1975 (Section 14).

Although the bill contains three other basic provisions, my remarks will be limited to the provisions on planning the administration and operation of Child Nutrition Programs, and to their expansion.

(1) H.R. 4974 would increase the number of members on the National Advisory Council to include two additional school food service persons, two parents, and two students. The National Advisory Council established by PL 91-248 has functioned for two years. The Council was designed to evaluate programs and to make recommendations for program growth. The Council as presently organized includes only one school food person, four USDA representatives, and eight other members representing various segments of education, government and industry. As a member of the Council, I recognise a need for more school food service persons, students, and parents on the Council. Thirty percent of the Council's current composition is from the USDA. I would not suggest reducing the number of USDA representatives, but there is a need to have more Council members from outside the USDA, if there there is to be a significant input from the lay group. At the January 1973 meeting, the four USDA representatives were present, and only five other members were present on the first day when most of the discussions took place.

The National Advisory Council could become a more viable group to report to the Congress the needs and status of Child Nutrition Programs with a larger and more representative membership.

(2) Section 6 of H.R. 4974 provides for participation of National Advisory Council and local and state administrators in working with USDA in preparing regulations to implement laws.

School food service administrators need succinct, lucid regulations which either specify administrative latitude or which clearly assign the interpretative role to the States. As it is, we hear the current rhetoric about Government being turned back to State and local communities, but in reality we are always required to come to Washington for clarification, or to find what we can or cannot do.

(3) Section 3 provides for more adequate and equitable funding for state administrative expense funds and a framework for staffing to meet program requirements.

The Child Nutrition Act of 1966 authorized the Secretary of Agriculture to make payments to states to assist them in administering Section 11 and Section 13 of the National School Lunch Act and programs under the Child Nutrition Act. The concept of providing nutrition services to children was quite different in 1966 than in 1973. Public Law 91-248 and Public Law 92-433 opened new vistas for providing meals to needy children. However, while program funds overall have quadrupled since 1969, the support for SEA has doubled.

Section 3 would permit states to use up to 2 per cent of the aggregate payments of the preceding year for administrative expenses, provided (1) that 75% of the funds were used for field personnel with training in nutrition and management, (2) that these federal funds would not be used to supplant current efforts, (3) that field personnel will hold certificates in special subject matter areas.

The SEA must have a staff of sufficient size, adequately trained in the operation of child nutrition programs. State Education Agencies must lead as well as manage, but we cannot do so without sufficient funds, adequately directed. We believe the legislation must be so phrased as to insure that as funds are provided to feed children so also are funds provided to operate those programs. Perhaps a phrase can be included to the effect that the Secretary of Agriculture shall add 2 per cent to all payments to finance administrative costs.

As a minimum each state agency should have one field supervisor trained in nutrition and institutional management for each 125 schools to assist with (1) program interpretation and management, (2) administration of funds, free and reduced meal policies, (3) training of personnel, (4) nutritional standards and food quality, (5) nutrition education, (6) administrative reviews, and (7) management practices.

Since 1966, the program has become *School Nutrition* with lunch, breakfast, milk, non-food assistance, special developmental projects, and nutrition education and training. Since 1966, the implementation of uniform standards for eligibility and free and reduced policy implementation has become a reality; UDSA now requires a Civil Rights Compliance check for ⅓ of the schools within the state each year. The reimbursement for free meals is based on 48¢ or cost, whichever is lower. These items are enumerated only to focus on the additional administrative requirements placed on state educational agencies for program administration with limited additional resources.

There are precedents in federal legislation which authorize a percentage of allocations for administration, such as Title I of the ESEA which authorizes 1% for administration and the Older Americans Act; nutrition programs (PL 92–258) which authorizes 10% for administration. The American School Food Service Association believes (1) that the proposal for SEA contained in H.R. 4974 (a) will provide a more equitable funding formula and a more adequate amount of funds for administration and (b) will help promote the employment of personnel with special training to provide the kind of leadership to local districts which is to move child nutrition programs toward our national goal.

(4) Section 7 provides funds to assist local systems with administration and supervision of programs.

This bill will provide an earnings formula of $250 per operating unit for local supervision and administration. Although this amount is far too little to finance a supervisor in the average size school district, it will provide an incentive for local districts to employ professionally trained personnel to manage the programs. A professionally trained person is needed to help teachers and managers in nutrition education and to manage the school food service programs.

ASFA believes the heart of the Child Nutrition Program is where the program is operated; the personnel managing and operating the programs determine the quality of program for children, and also quality of resource utilization. Funds need to be available to help districts implement programs prescribed by the Congress.

(5) Section 8 provides for State Educational Agencies to administer Special Food Programs for Children when such programs are operated by local governments.

Under the existing law, if the state Agency is prohibited from administering Special Food Programs for Children to private groups, all SFPC are administered for the state by the Regional Office of USDA. This provision would simplify administration within a state. As an example, the John F. Kennedy Center in Atlanta, a community complex, receives nutrition program funds under one program not form three different sources. The Center contains a public school, day care center, and a summer recreation program. The state finances the food served in the public school. The regional USDA pays for food served for day care. A private contractor who provides meals for the recreation program is paid by the regional office.

Let me move on now to the provisions for expanding programs to reach all children:

1. H.R. 4974 establishes a permanent authorization of forty million dollars for nonfood assistance (Section 13). Programs cannot function without facilities. In order to (1) bring all no-program and new schools into the food service program and to (2) replace obsolete and worn out equipment in the 80,000 existing programs, a continuing appropriation of forty million dollars is needed. Half should be set aside for new school lunch programs, and half should be provided to encourage schools to modernize existing programs. We estimate that the present investment in the school lunch plant is about $2.4 billion. Depreciating this investment over a 20 year period requires an annual replacement cost of $120 million, and we ask for one-seventh of that to assist schools to keep the plant efficient. If the national goal for child nutrition program is to be achieved, facilities must be updated, adequate, and available.

2. The bill also broadens the definition of no-program schools as related to nonfood assistance (Section 12). Many school districts improvised a system of feeding in the late sixties to get a meal to children in schools with no facilities, and present rules penalize them for their troubles. Section 12 would define a "school without food service" to include those which have initiated meal service on a temporary or emergency basis. This would permit those districts to establish an improved and more effective food service on a permanent basis.

3. H.R. 4974 establishes a requirement for all schools within a district to make the program available by June 30, 1975. The budget message clearly spells out the present timetable for reaching all schools, and it is 1980. The present funding

level allows about 3,000 schools to be added to the program each year, including those which disappear through consolidation. It will take 6 years, or in fiscal 1980, to complete this phase of the program, and we feel this is too long for millions of children to wait. The priority is children and we should reach them all when we celebrate the 200th Birthday of their country. My comments today have stressed the importance of sound planning, strong administration, and the effective operation of child nutrition programs; we hold to these views, not because we are cold professionals, but because we know this is the only sure way to build toward the kind of program where the only concern we have is the health of the children and their ability to gain knowledge, to learn to study and provide the judgment they need for a good life.

Today we must worry about whether the child's parents are rich or poor, and we must guard against the danger that each will learn what the other already knows.

We want to serve the universal concern that good nutrition is good enough. A hungry child cannot learn.

Thank you for the privilege of appearing before the General Sub-Committee on Education. We urge your support and early passage of H.R. 4974, the Nutrition Education Act of 1973.

Miss Martin. The first point I wish to emphasize is that local and State administrators would like to have more say in the programs they run. School food services and administrators need succinct, lucid regulations which either specify administrative latitude or which clearly assign an interpretive role to the States.

As it is we hear the current rhetoric about the Government being turned back to State and local communities, but, in reality, we are always required to come to Washington for clarification or to find out what we can or cannot do.

The second point I wish to emphasize is that we need more administrative support from the Federal Government in the operation of the programs. Section 3 of this bill would permit States to have a staff of sufficient size, adequately trained in the operation of child nutrition programs.

State educational agencies must lead, as well as manage; but we cannot do so without sufficient funds adequately directed. We believe the legislation must insure that as funds are provided to feed children that funds are also provided to administer those programs.

Perhaps the phrase could be included to the effect that the Secretary shall add 2 percent to all payments to finance administrative costs.

As a minimum, each State educational agency needs one field supervisor, trained in institutional management and nutrition for each 125 schools, to assist with (1) program interpretation and management, (2) administration of funds and free and reduced meal policies, (3) training of personnel, (4) nutritional standards and food quality, (5) nutrition education, and (6) management practices.

Now I would like to move on to the provisions in the bill that will expand to reach all schools by 1975, and this is the third point of emphasis. We need more nonfood assistance funds.

In order to bring all no-program schools and new schools into the food service program and to replace obsolete and worn out equipment in the 80,000 existing programs, $40 million is needed annually.

The present investment in the school lunch plant is about $2.4 billion. Depreciating this investment over a 20-year period requires annual replacement cost of $120 million, and we ask for one-seventh of that to assist the schools to keep the plants efficient.

If the national goal for child nutrition programs is to be achieved, facilities must be updated, adequate, and available.

The fourth point that I wish to make is we need to have a definition of a school without food service to include those schools which have initiated meal services on a temporary or emergency basis.

This would permit those schools to establish an improved and more effective food service program on a permanent basis. My comments today have stressed the importance of sound planning, strong administration, and the effective operation of child nutrition programs.

We hold to these views because we know this is the only sure way to build toward the kind of program where the only concern we have is (1) the health of the children, and (2) their ability to gain knowledge, to learn to study, and to provide the judgment they need to gain a good life.

Today, though, we must worry about whether the child's parents are rich or poor, and we must guard against the danger that each will learn what the other already knows. We want to serve the universal concern that good nutrition is good enough. A hungry child cannot learn.

Thank you for this opportunity to appear before this committee. This concludes my statement, and I will be happy to answer any questions.

Mr. PERRYMAN. Regarding the financial aspects of this piece of legislation, I would like to turn to Mr. John Stalker, member of our legislative committee and director of food service for the State of Massachusetts.

Mr. STALKER. Mr. Chairman and members of the committee, my name is John C. Stalker, director of the Bureau of Nutrition Education and School Food Services in the Massachusetts Department of Education.

I appear here today as a member of the Legislative Committee of the American School Food Service Association in support of H.R. 4974, the Child Nutrition Act of 1973.

Today my remarks will be confined to the financial aspects of the bill and their effects on our child nutrition program. Other persons, more qualified than I, will testify as to the importance of nutrition in the physical and mental well-being of our youth, and of the detrimental effects of hunger in the classroom in preventing children from reaching full educational potential.

I would like to take up the financial implications in the order that they appear in the bill. One of the major purposes of section 2 of H.R. 4974 is to establish a program of nutrition education for children.

Teaching our young people what to eat and why and seeing that they get enough of the right things to eat should be a national nutritional policy. It has been estimated that $30 billion a year on health care can be saved through proper nutrition.

Surely the monetary investment to cover the items in section 2, requested in H.R. 4974, are minute in comparison to the projected benefits to be derived. Under section 3, the need for adequate State administrative funds is pressing.

Expanding programs require expanding numbers of field staff and support personnel to comply with requests for assistance and federally mandated reviews and reports. Present appropriations do not meet the salary and recurring expenses for existing staff.

Although the States are authorized to reimburse employees paid from Federal funds at the same rate as employees on State payrolls, no allowances are made for routine step increases or general cost of living raises.

For example, Massachusetts received the same allocation for fiscal 1973 as for fiscal 1972. Even though State employees received a 4.3-percent, across-the-board raise, without additional State administrative funds, it was necessary for Massachusetts, as well as for other States, to dismiss employees or to permit authorized positions to remain vacant.

Section 3, in providing 2 percent of the total funds available, would certainly help to assist the States in performing the mandated requirements contained in the regulation.

Although this committee and Congress are aware of the nutritional benefits of the program, it is always gratifying to have scientific facts to back this position. The 1968–70 10-State nutrition survey conducted by the U.S. Department of Health, Education, and Welfare reports:

> School lunch programs were found to be a very important part of nourishment for many children. Particularly in low-income ratio states, school lunches contributed a substantial proportion of the total nutrient intake of many school children. The contribution of school lunch to overall nutrition was particularly important among black children.

Unfortunately, in spite of the proven advantages of the national school lunch program and school breakfast programs, Federal financial assistance has not kept up with program expansion and operational expenses.

Let's consider the seriousness of this problem by viewing what is happening this year in Massachusetts. It could be and is duplicated in other States throughout the Nation. In Massachusetts, Federal assistance toward serving a type A lunch in fiscal year 1973 is at the same level as it was in fiscal year 1951, even though the cost of preparing this meal has more than doubled.

In fiscal year 1951, we received 12.1 cents in Federal moneys and commodities for each type A meal served, 4.5 cents, in cash reimbursement, and 7.6 cents in commodity value. In fiscal year 1973, we are still receiving 12 cents in Federal assistance, 8 cents in cash subsidy, and 4 cents in commodity values.

Mr. QUIE. Could I interject right here and ask what was it in 1972?

Mr. STALKER. In 1972, it was 6 cents of Federal cash and approximately 7.5 cents in Federal commodities.

Mr. QUIE. So it was about 13.5 cents; and when the bill which has gone through this committee becomes law, we will have 15 cents.

Mr. STALKER. We would have 10 cents.

Mr. QUIE. Not this bill, H.R. 4974, but the bill that has already passed this committee which would insure that if you do not get 7 cents in commodities, you get the cash. That would be 8 cents payment plus 7 cents for commodities or cash, making 15 cents. So, there would be an increase to 15 cents in 1973.

Mr. STALKER. That is correct. This bill will help to rectify this situation. It will increase the cash reimbursement per meal from section 4 funds to 10 cents.

Even more critical. there is a built-in escalating cost for both lunch and breakfast, which will assure a yearly adjustment by the Secretary directing rising operational cost. Aside from the timesaving element on your part of listening to our annual plea for money, this escalation clause will establish the program on a more secure basis, and help both the State and local educational agencies in preplanned budgeting for program objectives.

We know that it is the intent of this committee and of the Congress that every needy child in the country receive free or reduced-price meals in school. Under present legislation, a tremendous financial burden is placed on the local taxpayer, and it is our low economic urban areas that are hardest hit.

It is my understanding that recently the Department of Agriculture, in attempting to determine actual costs of operation in the food service program, conducted a survey in the five USDA areas, incorporating four States in each area that were representative of both rural and urban situations.

This USDA study was made recently and the data collected indicated the nationwide average of 68.7 cents with a range between 59 and 78.4 cents per lunch.

Yet, the present reimbursement rate from section 11 funds is only 40 cents per lunch and even in the especially needy schools, there is only a 60-cent maximum payment. Where do we get the additional 8.7 cents for each free meal served?

Should the paying child subsidize the cost for his less fortunate classmates? If so, we will price them out of the program, too. If enacted, H.R. 4974 will help. It provides for a 5-cent increase in the Government subsidy from section 11 funds and from 40 to 45 cents, and even more importantly it adjusts the ceiling for especially needy schools to 70 cents.

H.R. 4974 will amend the disastrous section 7 of P.L. 92-433 enacted in 1972. Aside from the adverse nutritional aspects, P.L. 92-433 also affected the financial facets of the child nutritional programs.

Many schools, throughout the country, depend upon the sale of a la carte items to help defray the costs and improve the quality of the type A lunch. When these receipts are syphoned off by other groups, someone has to make up for these losses. It can only be the paying child or the taxpayer.

Even the General Services Administration of the Federal Government recognizes this problem when it restricts the items that can be sold by concessionaires in competition with their Government-operated cafeterias.

H.R. 4974 will correct the calamitous commodity situation. Since the start of the program in 1946, schools have depended upon commodity funds to help balance the food budget. With food costs spiralling and the USDA predicting 6-percent increases during the current year, the need for an abundant supply of foods has never been greater.

I would like to point out that they predict an average of 6 percent. Many of our food items have increased as much as 27 percent, particularly our protein items.

Instead, the value of the commodity foods is far lower than last year, and with program expansion, they must be stretched ever further. In Massachusetts, we are experiencing a 50-percent reduction.

With an expectation of serving 120 million meals during fiscal year 1973, the financial loss to communities here represents $4.8 million. H.R. 4974 would assure that the money appropriated by Congress for donated foods would be used for food.

If surplus foods are not available for USDA purchase, the unexpended funds would be allocated to the States for food-only expenditures. This would help to control the local food budget and assure the children of receiving these much needed nutritional items.

Sections 13 and 14 of H.R. 4974 would make certain that all children in the Nation in need of a free lunch had the opportunity to participate, and would provide financial assistance toward equipping schools with either inadequate or no food service facilities.

The full $40 million requested under nonfood assistance would be needed at least through 1975, until all such schools are in the program as provided in section 14.

Finally, section 16 of this bill would authorize cost grants to improve program efficiencies. With these moneys, local communities could be combined into districts or regions with a professionally qualified person employed to supervise the entire operation.

With the advantages of central purchasing and central control, monetary savings made would be far greater than the requested grant of $250 per school.

I wish to thank you, Mr. Chairman and members of the committee, and express my appreciation for having had the opportunity to testify in support of this legislation. I believe that the passage of H.R. 4974 would represent a major step in improving the nutritional health of our Nation's health.

Thank you.

Chairman PERKINS. The next witness.

Mr. PERRYMAN. Mr. Chairman, to talk to the committee about the nutrition education aspects of H.R. 4974, I would like to turn to Mrs. Gene White of the China Lake School District in California, legislative chairman for our California affiliate, and a member of our school board representing the western region of the United States.

Mrs. WHITE. Mr. Chairman and members of the committee, I am Mrs. Gene White, director of food services for the China Lake School District, China Lake, Calif. I am also representing the California School Food Service Association as legislative chairman and the American School Food Service Association as western regional director.

I wish to thank the committee for this opportunity to testify in support of H.R. 4974, the Child Nutrition Education Act of 1973. This legislation is urgently needed to strengthen and expand child nutrition programs in our Nation's schools. My remark will be directed specifically to the nutrition education section of this act.

Nutrition education, for purpose of this legislation, is a comprehensive instructional program for children which coordinates classroom teaching with food-learning experiences in the school food service program.

Children learn what they live. School food service, when part of a coordinated nutrition education program, becomes an extension of the classroom—a place where theory and practice join forces.

Here children have the unique opportunity to reinforce classroom learning with practical application. In so doing, they develop sound eating habits essential for life-long good health. Those of us who work daily with children find that poor eating habits are a prevalent, extensive problem that directly affects the child's health and academic achievement.

Poor eating habits, and related health problems, afflict children from both poverty and affluent families. As a result, we find that schools urgently need a comprehensive, ongoing nutrition education program for all children at all grade levels.

We find life styles of families are changing. Nutrition is becoming more important for children and families, all of which again emphasizes the need for nutrition education in our schools.

Numerous studies verify these observations. For example, the Massachusetts Department of Education conducted a nutrition survey in 1969 involving 80,000 students. It was found, in part, that on the survey day only 5 percent of the children had an adequate breakfast; only 53 percent had a satisfactory lunch; 13 percent had no breakfast; 6 percent had no lunch.

The 10-State nutrition survey conducted in 1968–70 by the Department of Health, Education, and Welfare involved 24,000 families and over 86,000 individuals. This was the largest nutrition survey ever undertaken in the United States, and its findings are the largest body of data ever gathered on the nutritional status of people in this Nation.

Several findings of this survey are particularly relevant to the role of schools in providing for the nutrition of children. A significant portion of the population surveyed was malnourished or at high risk of developing nutritional problems.

Children under the age of 17, especially teenagers, had the highest prevalence of nutritional problems. School lunch programs made a very important contribution to the nourishment of many children.

This study further indicates nutrition education should begin as early as possible for two important reasons: Food attitudes and habits are formed early in life and children from low-income families often drop out of school prematurely, thereby indicating that nutrition education should start at the earliest possible time.

The basis of our concern here today, is that nutrition education, which is basic to life itself, is a neglected, low priority item in many State instructional programs—if indeed it exists at all.

It is reported that only six or seven States have a nutrition education specialist assigned to their State educational agencies at the present time.

The Child Nutrition Act of 1973 would, for the first time, provide all State educational agencies the opportunity to develop a comprehensive program for nutrition education.

Funds would be used in the 1973–74 fiscal year to employ a nutrition education specialist in State educational agency for the purpose of developing this program. In subsequent years, funds would be used, in part, to conduct nutrition education programs in participating schools.

This would include preparation of course outlines and instructional materials. Also included would be the training of teachers and food service personnel, to the end that school food service would become an integrated part of the total educational program.

A nutrition education advisory council would be established in each State to provide guidance and assistance in formulating the nutrition education program.

The 1969 White House Conference on Food, Nutrition, and Health recommended.

> That a comprensive and sequential program of Nutrition Education be included as an integral part of the curriculum of every school in the United States and its territories.

We have long recognized the urgent need for the nutrition education of children. The time has now come to establish the priority and implement this program with high priority in all States.

Dr. Mark Hegstead, professor of nutrition, Harvard School of Public Health, makes this statement:

> I have never really understood our national priorities. This country feels that Freedom from Ignorance is so important that every child must be sent to school and our society is willing to pay the costs.
>
> On the other hand, little is done to provide Freedom from Hunger and Disease for our children. Attempts to provide such protection are considered an invasion of the rights of parents.

The Child Nutrition Act of 1973 is urgently needed to provide equal opportunities in nutrition education for all children in our Nation's schools. We ask your support of this important legislation.

Thank you for this opportunity to appear before this committee.

Mr. PERRYMAN. To discuss the food standards aspect of H.R. 4974, I would like to turn to Mrs. Gretchen Plagge, a member of our National Legislative Committee, director of food services for the State of New Mexico.

Mrs. PLAGGE. Mr. Chairman and members of the committee, I am Mrs. Gretchen Plagge, director of the school food service division, State department of education, Sante Fe, N. Mex. I am also a registered dietitian with American Dietetic Association and have served as hospital dietitian and in the field of commercial food services.

I speak to you today concerning the sale of competitive foods in schools where the federally financed school food service programs are in operation as it relates to section IX of H.R. 4974. I should like to submit my testimony for your record and comment only briefly on it.

[Mrs. Plagge's prepared statement follows:]

STATEMENT OF MRS. GRETCHEN PLAGGE, DIRECTOR, SCHOOL FOOD SERVICE DIVISION, STATE DEPARTMENT OF EDUCATION, SANTE FE, N. MEX.

Mr. Chairman and members of the committee: I am Mrs. Gretchen Plagge, Director of the School Food Service Division, State Department of Education, Sante Fe, New Mexico. I also am a Registered Dietitian with the American Dietetic Association and have served as a hospital dietitian and in the field of commercial food services.

I speak to you today concerning the sale of competitive foods in schools where the federally-financed School Food Service Programs are in operation, as it relates to Section 9, H.R. 4974.

This statement must acknowledge two basic considerations: There is on the one hand the philosophy of local autonomy of school officials and school boards and state agencies; and on the other hand, a sound criteria or guideline which will establish a minimum standard for direction and policy making, in the same manner that minimum standards are established in *all* areas of educational activity. To illustrate: State agencies establish minimum standards for the kinds and types of books which will appear in school libraries in order to provide a wide range of reference and reading materials for students in all areas of pursuit; There are minimum standards established with regard to safety and regulations in school transportation; There are minimum standards with regard to teacher-pupil ratios; There are minimum standards for course offerings; These standards in *no way* restrict the expansion and growth of a school's academic program or services to pupils so long as adherence to the basic policy or minimum requirement is maintained.

The regulations with regard to Public Law 91-248 concerning the sale of competitive foods attempted to establish such minimum standards. The main problem was, as I see it, that these minimum standards were developed at a point *far removed* from the setting in which they must be enforced. While many of us welcomed these regulations, they were, I think, in large part a kind of "crutch" upon which we could lean to support our own positions with regard to nutritional adequacy and protection of a program which we knew to be valid. At the same time, I would be less than honest if I did not tell you that this has been a very difficult aspect of the law to implement and enforce. Resistance at the local level has been strong and passionate in many cases. Pressures have come from students who press for "I-want-what-I-want-when-I-want-it"; from the principals frantically seeking revenue to keep activity accounts alive; and from private business interests seeking a lucrative market. In the face of these pressures, we have attempted a crash course on nutrition which has been all but totally unrealistic.

The passage last year of 92–433 has been viewed by many of us as a kind of disaster to all the efforts which have been made in the last 25 years to strengthen and "bring into its own" the Child Nutrition Programs. Yet perhaps in a more philosophical vein one could reflect that in the face of such adverse circumstances as this amendment has created, some good may come. If, as some of us believe, the rightful place for decision making should be at the state and local level, then indeed this amendment presents a prime challenge. On the other hand, I happen to believe that it is no more realistic to place upon the shoulders of a state agency or a local board of education or a local superintendent the responsibility for making policies affecting the nutritional well-being of school children, than it is to place decisions concerning curriculum development, transportation and general safety, or program activities upon such a group *unless* certain guidelines are developed for this board to follow.

I believe that the program of nutrition education for our children is as important to the general development of an individual student in his physical and intellectual maturity as any other single challenge to which we in education address ourselves. If we do educate for the development of the *whole* person, then a basic consideration should be that of the health and well-being of that individual as he grows and matures into an effective member of our society. Living long, as we are now able to do, is by no means the whole answer. The quality of our lives, and by this I refer to the capacity to live up to our full potential with a reasonable assurance of freedom from illness and disease, from economic hardships imposed by excessive health costs, and the right to enjoy life in all of its many facets without undue restrictions because of physical handicaps, is a freedom which we all have a right to expect. Too, I believe that the foundation for this potential should be established within the educational system through meaningful educational approaches as well as provision for the physical needs of children through a balanced, well-prepared and economical food service program.

I also believe that the investment of substantial amounts of federal and state money and the receipt of this money on the part of local school food authorities carries with it a serious responsibility to carry out this program in a consistent and reliable manner which does not teach on one hand that certain principles of nutrition must be followed and on the other hand offer numerous ploys and temptations to violate the very principles which we claim to support.

It must be noted that the passage of Section 7 of Public Law 92–433 became a reality because of advertising efforts and vending and distributing interests—*not* because the nutrition profession, the medical authorities, the Parent-Teacher Organizations, the American School Food Service Association and other child nutrition interests sought such a law.

I am also strongly convinced that it is unethical for educational entities to exploit one aspect of a student's life in order to benefit another aspect. I know, as I am sure you do, that from the earliest ages of childhood, we have taught children to look upon sweet high-calorie foods as a part of our *reward* system. We have exploited and developed the child's desire for non-nutritious foods in a very subtle as well as in an overt fashion. We have further exploited his limited economic resources by providing countless opportunities for the purchase of foods with little or limited nutritional value which substitute for a balanced, well-prepared meal.

It is difficult to imagine a child coming to school early in the morning, many times without a breakfast (whether he could have had it or not), and having 50 cents in his pocket for the purchase of a Type A school lunch, who will resist the temptation all morning long of passing by the vending machines and snack counters which are going full steam ahead in an effort to raise money for activity funds and program activities, who will deny his appetite before the school lunchroom opens at 11:30. What *has* happened is that the child has substituted carbonated beverages and candy for a *meal* which is designed to meet at least one-third of his daily nutritional requirements.

I do not think that we either should or could legislate so-called snack and empty calorie foods entirely out of children's lives. I do believe that it is wrong to provide these foods as a substitute for a balanced meal. When one tells me that we must give the child the right to choose all of these foods, I must answer that we have not yet embraced the theory of giving the child the right to choose *all* of the subjects that he needs to take for a rounded education, *all* of the activities which he may feel he is qualified to participate in as a minor age child; and I do not believe that it is a valid argument with regard to the program of nutrition and nutrition education offered in the schools.

I believe that the minimum standards for a program of nutrition education and food service should include some viable guarantee that the economic and fiscal stability of the program is not threatened by the sale of competitive foods. A program which uses the financial resources of both state and federal government to the extent that the Child Nutrition Programs now do carries with it certain responsibilities on the part of recipient authorities to account in a responsible and valid manner for the way in which this program is executed. Assurance must be given to the state agency on the part of a local food authority that the sale of competitive foods shall not be at such time or place as will cause a threat to the nonprofit federally-funded food service program. Although I lay no claim to being an economist, it is not difficult to appreciate the inequity of placing a nonprofit enterprise in direct competition to a business activity which has at its disposal some of the most sophisticated advertising techniques ever devised for television and the press, a food product with extremely high shelf or lasting life, very low operating cost, and great customer appeal. It is naive to expect a nonprofit federally-funded food service program to survive financially if there are no guidelines under which competitive foods may be sold and if the proceeds can be drained off to any school-approved activity.

I believe that the minimum guidelines of the state agency should establish the commitment of the state agency and its delegated board to the principles of sound nutrition and professional management at every level of the food service program. This requirement should speak to the highly unpredictable way in which many boards hire, fire and train their personnel. It should speak to realistic wage structures which will attract qualified as well as interested individuals. It should speak to the benefits which non-certified personnel as well as certified personnel have a right to expect as a minimum standard of employment.

Finally, I believe that the Congress of the United States has a moral as well as legal responsibility to protect the nutritional integrity of the National School Lunch Program and School Breakfast Program. Historically, these programs have been developed to protect the health and well-being of the nation's children. This is no time to weaken the very core of this program by yielding to the influences of highly sophisticated personal and private business interests. The provision for the sale of competitive food services can well be given at times and places within the school schedule when it will not conflict with or violate the principles to which the National School Lunch Act and the Child Nutrition Acts have been dedicated over the past 27 years. I, therefore, sincerely encourage the adoption of Section 9 of H.R. 4974 as a basis for prescribing basic minimum guidelines for adoption by state agencies by which *local* policies consistent with those guidelines will be developed, permitting the sale of competitive foods at specific times and under circumstances which will allow the strengthening of a sound program of nutrition and nutrition education for the school children of our nation.

May I express my appreciation for the opportunity of appearing before you today.

Mrs. PLAGGE. I think first of all we must acknowledge two basic considerations. There is on the one hand the philosophy of local autonomy of school officials, school boards, and State agencies. On the other hand a sound criteria or guideline which will establish a minimum standard for direction and policymaking in the same manner that minimum standards are established in all areas of educational activities.

I refer to minimum standards for school libraries, for school transportation with regard to safety, for teacher-pupil ratios, for curriculum development. These standards in no way restrict the expansion and growth of a school's academic program or services to pupils so long as adherence to the basic policy or minimum requirement is maintained.

The regulation with regard to Public Law 91-248 concerning the sale of competitive foods attempted to establish such minimum standards. The main problem was as I see it that these minimum standards were developed at a point far removed from the setting in which they must be enforced.

Pressures have come from students who press for "I want what I want when I want it," from the principals frantically seeking revenue to keep activity accounts alive, and from private business interests seeking a lucrative market.

I should like to make a short quote from a recent Jack Anderson weekly column under date line of February 19. This column states:

> The vending machine companies pulled a sleeper last year which will increase their profits at the expense of children's eating habits. Their lobbyist slipped a clause in the Federal School Lunch Program which will permit vending machines to be installed in schools. This means candy bars, potato chips and soda pop will be available to children with pocket change while school lunches are being served.

Mr. **Quie**. Could I interject here?

Mrs. **Plagge**. Yes.

Mr. **Quie**. Mr. Anderson's accuracy was proven in the Eagleton case a little while ago. I would like to interject also that no one from a vending machine operation testified before this committee, that I know of.

Mrs. **Plagge**. I respect your judgment in that matter, Representative Quie. I should like to continue with the comment that Mr. Anderson makes for whatever it may be worth to you.

Chairman **Perkins**. Go ahead and read it in the record

Mrs. **Plagge** [reading].

> The vendors, in a hurry to collect their new profits, are rushing efforts to install their machines in the cafeterias. A typical letter from Coco Cola advises the Government of the State of New Mexico that President Nixon has signed the vending bill and that it will mean a boon to the state's economy.

In the face of these pressures, we have attempted a crash course on nutrition which has been all but totally unrealistic. The passage last year of 92-433 has been viewed by many of us as a kind of disaster to all of the efforts which have been made in the last 25 years to strengthen and bring into its own the child nutrition programs.

It is more realistic to place upon the shoulders of a state agency or a local board of education or a local superintendent the responsibility for making policies effecting nutritional well being of school children than it is to place decisions concerning curriculum development, transportation and general safety, or program activities upon such a group, unless certain guidelines are developed for this board to follow.

I believe that the program of nutrition education for our children is as important to the general development of an individual student and his physical and intellectual maturity as any other challenge that we in education address ourselves.

If we do educate for the development of the whole purpose, then a basic consideration should be that of the health and well being of that individual as he grows and matures into an effective member of our society.

The quality of our lives, and by this I refer to the capacity to live up to our full potential with a reasonable assurance of freedom from illness and diseases, is a freedom which we all have a right to expect.

Too, I believe that the foundation for this potential should be established within the educational system through meaningful educational approaches as well as provisions for the physical needs of children through a balanced well prepared and economical food service program.

I also believe that the investment of substantial amounts of Federal and State money and the receipt of this money on the part of local school food authorities carries with it a serious responsibility to carry out this program in a consistent and reliable manner which does not teach on the one hand that certain principles of nutrition must be followed and on the other hand offer numerous ploys and temptations to violate the very principles which we claim to support.

I am strongly convinced that it is unethical for educational entities to exploit one aspect of a student's life in order to benefit another aspect. We have further exploited his limited economic resources by providing countless opportunities for the purchase of foods with little or limited nutritional value which substitute for a balanced well prepared meal.

It is difficult to imagine a child coming to school early in the morning, many times without a breakfast, whether he could have had it or not, and having, let us say, 50 cents in his pocket for the purpose of a type A school lunch, who will resist the temptation all morning long of passing by the vending machines and snack counters which are going full steam ahead in an effort to raise money for activity funds and program activities, and who will deny his appetite before the school lunch opens at 11:30.

I would like to comment one more time on some of Mr. Anderson's column. He says,

> The competition from the vending machines will leave children with less money to spend on more wholesome cafeteria food. This would cause a serious setback for the federally supported food service programs. These programs have trouble breaking even as it is.

What has happened in the schools where these products have been offered for sale is that the child has substituted carbonated beverages and candy for a meal which is designed to meet at least one-third of his daily nutritional requirements.

I do not think that we either should or could legislate so-called snack and empty calorie foods entirely out of children's lives. I do believe that it is wrong to provide these foods as a substitute for a balanced meal.

I believe that the minimum standards for a program of nutrition education and food service should include some viable guarantee that the economic and fiscal stability of the program is not threatened by the sale of competitive foods.

Assurance should be given to the state agency on the part of a local school food authority that the sale of competitive foods shall not be at such time or place as well because a threat to the nonprofit federally funded school food service program or to the pupils best nutritional interest and well being.

Although I lay no claim to being an economist, it is not difficult to appreciate the inequities of placing a nonprofit enterprise in direct competition to a business activity which has at its disposal some of the most sophisticated advertising techniques ever devised for television, a food product with an extremely high shelf or lasting life, a very low operating cost, and a great consumer appeal.

It is naive to expect a nonprofit federally funded food service program to survive financially if there are no guidelines under which competitive foods may be sold and if the profits can be drained off to any school-approved activity.

I believe that minimum guidelines of the State agency should establish the commitment of the State agency and its delegated board to the principles of sound nutrition and professional management at every level of the food service program.

This requirement should speak to the highly unpredictable way in which many boards hire, fire, and train their personnel. It should speak to realistic wage structures which will attract qualified as well as interested individuals. It should speak to the benefits which noncertified personnel as well as certified personnel have a right to expect as a minimum standard of employment.

Finally, I believe that the Congress of the United States has a moral as well as a legal responsibility to protect the nutritional integrity of the national school lunch program and the child nutrition programs.

Historically these programs have developed to protect the health and well-being of the Nation's children. This is no time to weaken the very core of this program by yielding to the influences of highly sophisticated personnel and private business interests.

The provision for the sale of competitive food services can well be given at times and places within the school schedule when it will not conflict with or violate the principles to which the National School Lunch Act and the Child Nutrition Act have been dedicated over the past 27 years.

I, therefore, sincerely encourage the adoption of H.R. 4974 and particularly section IX of this act as a basis for prescribing basic minimum guidelines for adoption by State agencies by which local policies consistent with these guidelines will be developed permitting the sale of competitive foods at specific times and under circumstances which will allow the strengthening of a sound program of nutrition and nutrition education for the school children of our Nation.

May I express to you, Mr. Chairman, and members of the committee, my appreciation for the opportunity of appearing before you today.

Chairman PERKINS. Let me thank all of this distinguished panel for your appearance. I personally feel you have been very helpful.

I realize that it is a difficult task to get legislation enacted, especially where there is considerable money involved, But, we have come a long way in the past few years.

We have to be most careful not to price the middle-class child out of the lunchroom. I would like to address a question to all of you. Consider that we have several programs all lumped together in what is considered the fifth category under the so-called special revenue sharing package, which includes library books and equipment, title II of ESEA and title III of NDEA; adult education; title III of ESEA, the innovative title and guidance and counseling; title V of ESEA, aid to State departments of education; along with your basic support program of the School Lunch Act; and it is being proposed in the President's budget that the State department of education, who must likewise secure funds out of this package all grouped together, will make the allocations. How in your judgment will the basic School Lunch Act fare if the so-called special revenue sharing package is enacted? We will start with you, Dr. Perryman, and then let's go around the table.

Mr. **Perryman**. In my judgment, Mr. Chairman, our child nutrition programs will fare abysmally if this happens. Our association is gravely concerned over what we look upon as a threat if the funds for child nutrition programs are folded into the overall educational appropriations and must compete as you have indicated with a vast array of educational purposes and must compete with aging school buildings and defeated bond issues and militant teacher groups, I think that we will actually receive a very small percentage of the money that we now have and that if our funds lose their identity and are no longer categorized, that money which the Congress intended to be used to buy food for hungry children is going to be used for a number of other purposes and the end result will be disastrous to these programs. And many communities will lose them altogether in my judgment.

Chairman. **Perkins**. Miss Martin.

Miss **Martin**. Mr. Chairman, I probably face this a little bit more emotionally than some people because I remember that our Senator Russell from Georgia and Senator Ellender and Senator Aiken were the leaders in 1946 of establishing or starting a national policy that there should be a national nutrition program for children and because of this heritage that we have, I would not like to see the national policy for child nutrition reversed.

To answer your question specifically, I would refer to the number of States in this Nation that have had great difficulty in securing State funds for matching purposes as required by Public Law 91-248. Many States are still having great difficulty in getting minimum State funds to go into the program.

In my judgment, if the basic program were folded into special education revenue sharing, this would really mean the end of the school lunch program for middle class children, that the emphasis would revert to a feeding program for poor children and that our middle class and more affluent children from more affluent homes would be allowed to select food without regard to any nutritional standards.

Mr. **Stalker**. In Massachusetts, I know it would be a tragedy and it would set us back many years. We are one of the States that has been a working partner in the total program and we have provided State moneys for many, many years to implement section 4.

Our current Massachusetts law states that the State will make up the difference between the extent that Federal funds go to meeting the maximum payment under section 4. So our State subsidies are tied to section 4 and if this was abolished in the national act, it would mean changes in State legislation.

We are receiving between $8 and $9 million and are paying a full 12 cents to all schools. This helps to protect that middle group of children who in many instances are being priced out of this and with that change in legislation, it would drastically change our State, meaning that we would have introduced new legislation and I am certain that with the demands of education, the cuts that they are receiving, we would not get the same consideration in new legislation and it would be really disastrous.

Miss PLAGGE. As you know, Mr. Chairman, very recently Mr. Leonard J. DeLayo, who is the superintendent of public instruction for the State of New Mexico and also the president of the Council of Chief State School Officers, appeared before your committee with regard to this matter. Mr. DeLayo stated on behalf of the council that in principle and theory, the question of revenue sharing for education presented some very strong arguments.

However, the whole question resided with the level of funding for this program. The President's suggestion is that $2.5 billion will be provided for the education revenue sharing package.

When one considers that at the present time the child nutrition programs have received $1.5 billion for the funding of the program as we now know it, you can realize what would happen if we were suddenly thrown into some kind of competitive scramble for this $2.5 billion with as many programs as you listed coming up for grabs.

Another question that is very serious, I think, is that there is no indication, at least yet, and I realize that the bill has not actually been introduced, at least when I most recently checked on this, but there is no indication as tc where the authority will reside for disbursement of this money.

Will it come into the Governor's office? Will it come to the State Department of Education or how is this to be administered? This raises some serious questions as to the judgments that will be rendered as to the priorities that need to be considered.

When one considers that the school food service programs could end up conceivably getting 5 cents for every dollar they now receive, it seems to me that the destiny of this program is very obvious.

Mrs. WHITE. Mr. Chairman, with reference to my State of California, which I believe has approximately 10 percent of the Nation's children, and in looking at the statistics for our operation statewide this past year, we find we are now serving about 1½ million type A lunches a day to our children.

This represents an increase of about 29 percent in just the past year so the program is rapidly expanding and growing. Our concern in California is that this would simply wipe out the structure upon which we have been building a program. We feel that not only would it wipe out the structure statewide but that within the schools themselves there would be such diversity of the quality of programs.

We simply feel that this would be a disaster for our program in California. I would like to comment on the nutrition education point because that is what I did address my testimony to here.

Here we have already waited 25 years to try to get a nutrition program going nationwide. We would be very concerned about the opportunity to ever get it going with this sort of funding pattern.

Chairman. PERKINS. Mr. Quie.

Mr. QUIE. I thank you, Mr. Chairman. I, too, feel that school feeding money has to be separate from the other money so we don't have any disagreement there. Your testimony further strengthens that conviction.

The question I have is why is it that affluent parents and school administrators and school boards are so negligent about nutritional needs? Why don't they care about childern's nutritional needs?

That is a peculiar thing with these people who have the responsibility of the children. As an affluent parent, I care about the nutritional needs of my children. Why am I such an odd individual? When I was on the school board, I cared about it and worked like everything to get a school lunch program. We even wanted to have them spend local money.

Why was I such an odd person as a school board member? I never was a school administrator but I imagine I would have thought as much about nutrition then too and would have been an odd administrator because you have pretty well indicted everybody connected with education except yourselves. You are the only ones who have interest in the nutrition of the kids and we ought to keep this program as a monopoly for you.

Mr. PERRYMAN. Mr. Quie, I wish we had more members of school boards that have your well-known dedication to child feeding programs. There is a quirk in the human personality apparently that looks upon the food budget as a highly flexible item.

I think it is a well known fact that we as a nation have very questionable nutritional habits. We have very questionable nutritional standards. We can go back to some studies in this country during the depression years of the 1930's and see that when people's incomes were cutback, what items did they start to cut, where did they start to economize first?

In many instances, the food budget would be the first one hit before the money that they spend on gasoline for the family cars or cosmetics of liquor or a number of other items. Of course, this I think reemphasizes the need for a nutrition education program.

I revisited an elementary school in the State of Georgia a number of years ago where the teacher had a wonderful project underway in nutrition education and it was a mining community, a low income community, and she said that many of the children in her class did not have breakfast, that if their parents gave them a nickel on the way to school, they would have a carbonated beverage.

If their parents gave them a dime, they would have a doughnut and a carbonated beverage. She said, "I am determined that when these children are parents they will know more about nutrition than their parents do."

I think we have our work cut out for us.

Mr. QUIE. Mr. Chairman, would it be all right if I ask a couple of other questions because I have to leave?

Chairman PERKINS. Yes, go ahead.

Mr. QUIE. I am interested also in the competitive foods language that is in the present act that you people indicate that you consider is a big disaster.

I notice that we have written in legislation a prohibition against Federal control of education where we list all of the laws and say:

> It shall not be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over curriculum, program of instruction, administration, or personnel in any educational institution or school system, or over selection of library resources, textbooks, or other printed or published materials by any educational institution or school system, or to require assignment or transportation of students or teachers in order to overcome racial imbalance.

So, we don't want the Federal Government controlling anything on transportation or curriculum at all, but it would seem you would want the Department of Agriculture to write the regulations having to do with nutrition or competitive foods.

It seems that with the tremendous strength you have in influencing the Department of Agriculture, that you must have some strength in the State and the State Department of Education. You should be able with some work to have them write those regulations because the legislation does not mandate that you put a coke machine and candy bar machine in every school.

It says we are going to leave that decision to the States and local schools. If the State does not believe the local schools have the competence, the States can write the legislation because that is where the control of education actually exists and should exist; in the States.

Now, why is this different?

Mrs. **PLAGGE.** Representative Quie, I appreciate the fact that you seem to be supporting the very position which I was making an attempt to express this morning.

Mr. **QUIE.** I appreciate that you did a good job.

Mrs. **PLAGGE.** We can't throw out everything he says because of one situation or circumstance either. I do think that it is important that this authority—this policymaking authority—reside with the State and local school entities.

However, I think that when we have a program that has as heavy an investment from Federal sources as it does, that the Federal agency has a right to require a statement of policy and commitment on the part of those recipients of those funds that indicates that they will protect the integrity and the basic philosophy for which that Federal program is developed.

This is what I am asking. I agree with you. I think that it is the responsibility that rests with the State agency and with local boards but, as I attempted to say, I think we have to be realistic enough to realize that these people are elected officials; they come from many avenues of life and, as you have already indicated by an earlier comment, they are not necessarily experts in any particular field of education and they seek guidelines and directives by which they can make these decisions.

The inclusion in this bill of State nutrition advisory council, I think, goes a long way toward suggesting how this might be done. Such a council, you see, could recommend to a State education agency or a local board just what type of minimum standard they feel should be adopted and then, of course, it would be up to this group to make the firm commitment.

This then would be the requirement that I see Federal legislation making before Federal funds could be authorized. Some kind of a philosophy and commitment which is consistent with the total program would have to be stated and formally adopted.

Mr. **QUIE.** I think that would work well because in the Rochester school system in my congressional district where they were denied the opportunity to sell apples during the school lunch period, they would convince that council and the State that apples are nutritious and not harmful to the children. That is what really got me started when the legislation denied them the opportunity to sell apples during the school time.

I also, I would say, like the idea of the kids being able to work out a program so they can get some of the returns for sale of apples for their own programs and that is where I might differ with you folks.

I think there are other parts of education, too, that are beneficial and that is how to work a business operation, which they were doing.

Also, I would just as soon change that word to nutrition, myself, so that State council could make the determination. But in looking at that, I see that this year we now have a 15-cent subsidy on the school lunch program for the ones that are not free or reduced cost and all of those competitive foods don't have that kind of a subsidy.

They would love to have it the other way around, and I could understand why you would be unhappy if it were the other way around. But you have that subsidy and now you want to bring it up to a 17-cent subsidy plus an automatic escalator as you go along.

I don't think you are suffering too much of a hardship with that kind of subsidy on your lunch. How would you feel about the competition if the amount you receive was reduced by the value of the food that was thrown away by the kids after the lunch period?

Mrs. **Plagge**. I would perhaps want to say one word about that. We recognize some very grave problems with regard to waste, and I think that much of this is going to have to be addressed in the programs of nutrition education with the very young children particularly.

We find that the greatest amount of waste are in the areas of vegetables and salads. Many young children, whether they are in or out of the lunch program at home or at school, tend to reject these foods and much of this again goes back to nutrition education.

There has been some very interesting things revealed in recent studies about why we feel like we do about nutrition, Representative Quie, and I think it is important that we realize that we are already being taught a great deal about nutrition, whether we know it or not, and whether or not it is always valid.

Dr. Joan Gusso has written a great deal about the affects of advertising upon the nutrition education of the American public, and what she has to say is quite disturbing as to how we learn about nutrition.

She has done a great deal of study, for instance, with regard to the nutrition education that children receive on Saturday morning via the TV set. This I would suggest has been about the most substantial source at least, quantitatively, of the nutrition education we have received thus far.

We have trained our children from their earliest years to look upon sweet foods as a kind of reward for good behavior. We seldom offer children a carrot stick or a celery stick for good behavior. More often the enticement is apt to be candy or cookies.

So, from the very beginning by subtle means, we tend to steer children away from some of these foods that later in schools they reject, and we look upon as a scandalous waste in many ways.

Hopefully, through nutrition education, we can begin to turn the tide. I think it is a very important point that you have brought up.

Mr. **Quie**. It kind of reminds me of a child specialist who was before our committee when asked when you ought to start with a child and he said 2 years before they are born.

Mr. **Stalker**. I would like to speak on behalf of States who do have requirements. Many States do have strong requirements nutritionally and are involved in nutrition education as we are in Massachusetts.

But I think what has happened as a result of this change in the law is that the industry has taken advantage of it to write letters to the local communities inferring that the Federal act took away the powers of both State and local governments and that was going to prevail.

I know in Congress it was clearly indicated that this was placing the responsibility on States and a good many, probably half of the States did have strong nutritional requirements in their own States.

And we are teaching nutritional education. But it is the statements that are emanating as a result of the changed legislation that is causing the confusion and they are misstating the position of Congress and they are writing right into the local superintendents to the extent that we had to put out material in our State to all local superintendents telling them that the State regulation still prevailed, and that Congress had merely in the legislation passed the reponsibility back to States.

I think this is what has happened, as we are under severe pressure in a State that has a strong nutritional program. We even go so far as to say that tea, coffee, candy, and carbonated beverages are excluded as items.

Those are the only ones specifically excluded. But still with the industry statements being forwarded directly and quoting out of context the change, I think that is what is causing many of our problems and why it would be good to have a little stronger statement again.

Mr. **Quie**. I recognize that, but I don't think the Federal Government should protect you from pressure. You will have to have that. It is my hope that those developing the knowledge of young people would have the intelligence to understand the situation.

Mrs. **White**. Mr. Quie, I would like to simply say that the U.S. Department of Agriculture is funding six States at the present time to develop the position of nutrition education specialist for 1 year, and the hope that this would be a continuing program then, and with what we are asking for now could become an overall nationwide program with specialists in each Department of Education.

Chairman **Perkins**. Mr. Stalker, you pointed out in your statement that because of insufficient Federal support, local school districts must come with their own funds whenever they provide a free lunch for a needy child.

You said that they generally raised these local funds by increasing the price for the paying students. Is this why middle-income students are being squeezed out of the program and will the legislation that we have before you help?

Mr. **Stalker**. Yes, this is one of the reasons that you are losing many of the paying children because those that are not entitled to free meals come from moderate-income families which have five or six children in school and they drop out as the cost of the meal goes up.

We do have many communities in Massachusetts who subsidize the programs also, but they are reaching the point beyond which they can not go. So, we are affecting this middle-income group drastically and affecting their nutrition as well as those who are in low-income groups.

Chairman **Perkins**. Mr. Lehman.

Mr. **Lehman**. Mr. Chairman, I would like to introduce Mrs. Jeanette Schinn of the Dade County School system who is director of food service.

In relation to the question the chairman just asked, this is especially relevant to our own district. If the chairman would permit, I would like to have Mrs. Schinn comment on that because the way I understand the State of Florida regulations, you are not allowed to commingle funds from taxation and other sources in order to work on this particular problem.

So the only place the extra funds can come from is the people who do pay for lunch. Would it be possible, Mr. Chairman, for Mrs. Schinn to come and comment on this?

Chairman PERKINS. Yes.

Mrs. SCHINN. In Florida, our supervisory units are made from what we call minimum foundation tax funds and this is in the board budget, so there would not be any danger of commingling, Mr. Lehman, in our particular situation.

Mr. LEHMAN. No danger, but there is no way you can, actually.

Mrs. SCHINN. No, we keep them separate.

Mr. LEHMAN. In that case, if you are not able to get Federal funds, you have to get additional funds from the paying schoolchildren and the only way you can get more is to raise the price and force more of them out of the school lunch program.

And so it is a self-defeating program.

Mrs. SCHINN. Right. Each time we raise prices in Dade County, our participation drops about 10 percent. Therefore, anything we can do to get money into the program to support it and not support it from the paying children is helpful to the program.

Mr. LEHMAN. I don't know of another school program that has such an ability to self-destruct as the school lunch program does.

Chairman PERKINS. Let me ask a question. Last Tuesday Dr. Briggs, the city school superintendent from Cleveland, Ohio, told us that a Federal court has required the Cleveland public schools to provide free or reduced price lunches to all needy children in the national school lunch program.

Are any of you distinguished ladies and gentlemen aware of similar court orders, and what are your views on such court orders?

Go ahead, Miss Martin.

Miss MARTIN. We had a similar court case in Georgia in connection with the school breakfast program. The Clark County schools were ordered to provide breakfast in all elementary schools, to make breakfast available to all needy children if they made breakfast available to children in any one school.

For that reason we feel that the provision in this piece of legislation that would require school districts participating in the National School Lunch Act and Child Nutrition Act to make lunches available in all schools by 1975 is a way of getting ahead of the courts.

So, we think this is a very important provision with this legislation.

Chairman PERKINS. Do you agree?

Mrs. SCHINN. Florida is unique, Congressman Perkins, in that we have very few schools without food service programs. So this part of the legislation does not really affect Florida.

We have initiated 53 breakfast programs in Dade County this year and these programs were selected where we had high economic need, a high degree of poverty, a high number of free lunches.

We feel that we will probably have to initiate breakfast programs in the rest of the schools because if you are going to provide a food service to one group, you almost have to provide it for all children.

Chairman **Perkins**. I agree with you.

Mr. **Stalker**. Massachusetts was the first State in the Nation to mandate all public school participation in the program. As of last September all one section days were required to have the program by September 1972.

Every public school in Massachusetts will have the program by September 1973. So this is a mandate in our legislation. We had a court case previous to that and it was an outgrowth of that court case and of a commission on malnutrition and hunger in Massachusetts that we developed considerable legislation——

That mandate was passed in 1970 and we will have every public school in the program in September.

Chairman **Perkins**. One concluding question. Do you feel the so-called special revenue sharing package, which includes your basic school lunch program, is following the suggestion of the White House Conference on Nutrition, or does it contravene the suggestion that we agreed to in that White House Conference?

Mrs. **Schinn**. Congressman Perkins, we are very, very concerned about the Federal revenue sharing program, and what it will do to the school food service programs in Florida.

We are really concerned because we feel that we are going to receive less section 4 moneys, and that we are in danger of losing our section 4 reimbursement.

Chairman **Perkins**. Dr. Perryman, do you want to comment at this stage of the game?

Mr. **Perryman**. Mr. Chairman, I had the privilege of being active in that White House Conference and a part of the group that counseled a universal school food service program for this country.

In my judgment, the folding in of the funds for child nutrition programs into overall educational funding would be a total disaster. I think that it would set the cause of our programs back many years. I think that in many communities we would lose our programs all together.

I think if they are lost or closed for a period of years, we very likely will never get them back. Lunchrooms will be carved up into classrooms. Corner hot dog stands will grow up to take the place of our nutrition and nutrition education programs.

I think it is the most ominous threat to school food service in 18 years with which I have been associated with it and if such a bill does come before this committee, Mr. Chairman, speaking on behalf of our association, we would request the privilege of testifying.

Miss **Martin**. Mr. Chairman, I do not feel that revenue sharing is consistent with the aims, the recommendation of the White House Conference on Nutrition and Health, either as far as the school food component or nutrition education component.

To digress slightly from your question, I would like to make just a couple of observations, if I may. I think this bill that is being considered today, H.R. 4974, will provide authorities with a direction for a national program that will lead us into the recommendations of the White House Conference on Food Nutrition and Health.

As I look back to 1968 and the first time that I had the privilege of testifying before your committee, I think that perhaps what we are asking for today may not be quite as dramatic as what we were seeking in 1969. I shall never forget that first day when we were sitting in this room before your committee when we testified that there were millions of needy children who were not being reached by the school lunch program and the chill of this room when we had back of us the representatives of Resurrection City who had come to Washington to appeal for food and funds for needy children.

And the drama of that moment when you asked our panel how many children are there and how much money do you need to feed the children? And the commitment that we experienced when we left this room with a feeling that this committee made a commitment to putting an end to hunger in America's classrooms.

Even though what we are asking for today or what we are seeking through H.R. 4974 is not quite as dramatic as that, in many ways I think it is more dramatic because what we are facing today is a request for survival or a continuation of the sound nutrition programs that began in 1964 but received new entities under the leadership of this committee in 1968, 1969, and 1970.

And we do not believe that it would be possible to continue this if the general program was folded into revenue sharing.

Mrs. **Plagge**. I only want to say that, of course, the White House Conference in 1969 has stimulated the interest and concern of the entire Nation, and it has not been stimulated since perhaps the Second World War on questions of nutrition and hunger.

Obviously, as a result of that conference, at least one very significant influence was brought to bear, which brought about the passage of Public Law 91-248 and when Mr. Nixon signed that bill, he said that he felt that this was milestone legislation for all time in America's classrooms.

Chairman **Perkins**. Was any aspect of this so-called special revenue sharing proposal discussed in that White House Conference?

Mrs. **Plagge**. No, I do not believe so, Congressman Perkins.

Mr. **Perryman**. Not to my knowledge.

Mrs. **Plagge**. If indeed it is the commitment of our present administration to end hunger——

Chairman **Perkins**. I must go to another meeting, but Congressman Lehman will continue with the hearing. We will hold additional hearings later on and we will press to get this legislation enacted at the earliest possible date, Dr. Perryman. I want to thank all of you for your appearance here on this occasion. You are doing a wonderful job.

To my way of thinking, we have to keep the school lunch and school breakfast programs sound and not let them be torn to pieces. I feel that this committee will defeat such proposals as have been suggested thus far in the special revenue sharing proposal. We certainly need to fund these programs more adequately. I want to work in that direction and will cooperate with all of you to see that we accomplish this goal.

Mr. Lehman will now chair the hearing.

Mr. **Perryman**. Thank you very much, Mr. Chairman.

Mr. LEHMAN. Miss Martin, I am also an ex-school board member, and we were cowitnesses before the Ellender committee not too many years ago. I have a couple of questions.

I was at one time both a member of the Dade County Board of Public Health and Dade County School Board simultaneously. This occasioned the fact that I was learning that the public health people said that the hemoglobin content of a child's blood stream had a direct relation to the learning ability of that child because hemoglobin is made of protein and carries the oxygen even to the learning cells of the brain.

Has there ever been a real study made to correlate the hemoglobin content of the child's blood based on protein intake with the learning ability? If there is such a study, I would like to know about it. If there has been, I think it would be well for this committee or this group to promote something like that.

Can you probe datawise that nutrition does relate to learning ability?

Mrs. PLAGGE. Dr. Herbert G. Burch, writing in the June 1972, issue of the American Journal of Public Health, has published the results of a study called, Malnutrition Learning and Intelligence, in which he very specifically outlines responses to the very questions which you have asked.

Dr. Burch's article, which I have read and studied quite thoroughly, is very detailed, but I think you would be very interested in what he is reporting. Most of the studies that have been done have been done on very young children during the prime growth period of the brain, that is, the first 9 months to 1 year.

There are studies that have been done in England, in Guatamala, in the United States, and in some parts of South America. As to what actually happens to the child at the school age, there is not as much really reliable and responsible data and Dr. Burch explains this by the fact that the data that is collected has to be wide against certain sociological and environmental factors which are very, very difficult to place under clinical conditions.

However, to me this article has a great deal of very valid information which should be studied and reported at some length.

Mr. LEHMAN. Would anyone else like to comment?

Mr. STALKER. In Massachusetts, at the Massachusetts Institute of Technology, they are turning their efforts into finding out and have developed a program called, the Institute for Learning. And there again I had an opportunity to attend and they are studying all methods of how you learn, but the doctor there testified that there was a direct relationship on the intake of protein to the production of the neurochemical in our brain that transmits knowledge between the cells and that chemical was increased within the brain in direct proportion to the protein intake.

So, that there are other studies following that pattern that you might like to have, and we could forward it to you.

Mr. LEHMAN. If there was something that we could extract from these studies that we could make a part of the record of the committee, it would be of value in support of this kind of legislation.

Mrs. WHITE. Mr. Chairman, I think we might be able to get you some very specific information by way of some special documentation and present this later.

But, I would like to comment to this extent that in terms of the physiological development of the brain, of course, there is a relation between malnutrition and brain development. But in terms of the daily operation of the school program, we need to look at malnutrition as being multiple in cause because this can mean over nutrition as well as under nutrition.

A child may be malnutured but not be hungry because of poor nutrition. This is known to really affect the child's ability to produce academically in school. So, we have several different areas here that really need close study.

Mr. **Lehman**. There is a difference between malnutrition and hunger.

Mrs. **White**. This is correct. This is why our nutrition education we feel is so important.

Mr. **Lehman**. We have in Dade County, and Mrs. Schinn would confirm this, a problem of school lunches during the summer programs for disadvantaged children. What kind of support do you need at the Federal level to see that the same children who go to summer programs are fed as well as they were on the regular programs without being a burden to your school lunch programs?

Where do you need help there because obviously, we need help there from my own experience.

Miss **Martin**. Mr. Lehman, may I take this opportunity to say how nice it is to see you again, and I remember it was about a year and a half ago that we were testifying before the Senate Agricultural Committee.

We appreciated your leadership then, and we are looking forward to your leadership on the House Education and Labor Committee. The same provisions for providing lunches to children during the summer should be made as during the school year.

We are very much concerned with the proposed new regulation that have been issued by the Department of Agriculture that would not provide sufficient funds to provide a total meal in some instances to the children.

This bill, H.R. 4974, would provide one administrative simplification for the food program for children in that it would make possible the administration of special food programs by State educational agencies when the food program is operated by a local government.

At the present time, the law requires that if State educational agencies prohibited from administering the program in any private school, then all of the programs within that State are administered by the regional office of USDA and in some instances, and I use a case in Atlanta, for example, for we are not allowed to administer the special food program for children.

In some instances, this creates quite an administrative monstrosity. At the John F. Kennedy Center in Atlanta, which is a community complex, there is a day care program that operates during the summertime, a regular school program (because we have year-round schools in Atlanta), that operates in the summertime, and a summer recreation program in the summertime, and all from one kitchen. The school receives funds from the SLA to pay for the regular school meals.

It prepares the food that is served in day care and submits the claim for reimbursement of those meals to the regional office and the summer recreation program is under contract by a private food service management company and the private food service management company contracts with the regional office. The children are served their recreation meal in the school dining room at the same time the children have a type A meal.

So, there are some administrative complexities in the present operation that must be alleviated in the special food program.

We feel that the children in the summertime need the same nutritious lunch that they have during the regular school year.

Mr. LEHMAN. Mrs. Schinn, would you like to comment on that? That is more or less the same problem we have in our area.

Mrs. SCHINN. We do a lot of contracting for these summer programs.

Mr. LEHMAN. With some of the community action agencies?

Mrs. SCHINN. Yes; but we are providing meals on a contract basis and using school kitchens for this.

Mr. LEHMAN. What additional Federal legislation do you need to give this same support to the summer programs that the Federal Government is giving to the regular programs? That is what I would like to have written to me in the form of a statement or a letter. If you could get it for me, perhaps we could make the necessary adjustment.

Mrs. SCHINN. This is more of a State need than a local need.

Mr. LEHMAN. Right. There may be a lot of State needs. Let me ask you something else. These are things that have been bugging me for a number of years.

Indirectly, the lack of capital improvements or plant construction has forced many school systems into double shifts. I know in our own district this has recognized to a certain extent our school lunch program.

When you run one shift from 7 to 12:30 and one shift from 12:30 to 5 or 6 o'clock in the afternoon, you are immediately, in secondary schools, wiping out the real effective nutritional lunch program.

Would you like to comment on this as one of the underlying destructive processes of the lack of Federal support in capital improvements in the school system?

Miss MARTIN. Mr. Lehman, I will be glad to take a quick answer at that. I think one of the problems that school food service programs have in providing a flexible food service is lack of flexibility in facilities and this is one of the reasons that we feel the authorization for nonfood assistance money should be at least $40 million on an annual basis

Most food service programs were designed and built back in the 1950's and early 1960's when we had one meal a day. Kids came in between 11 and 1 and it was a simple feeding program, but it is not any more.

We must have the facilities, the capability of providing all-day meal service to young people, and this is going to require a much more complicated, complex system of food service than we presently have where we just had the equipment to provide four or five items in 1 day.

Mr. LEHMAN. Thank you. I don't think we should have open or closed campuses regulated at the Federal level, but I do know they have a bearing on the school nutritional program. In Atlanta you have closed campuses.

In Miami, we do not have closed campuses, and there is a lot of difference in what happens in school lunch programs in those areas. I was fortunate to look at rather briefly the school lunch programs in several of the Western European countries, including Israel, which is not Western European, but I was quite impressed with the fact that we are behind other industrialized nations where I have seen this kind of support. I wonder whether there is any data that would indicate fairly and equitably what a country like France or Sweden or England or Japan is doing in school lunch program compared to this most advanced nation in the world?

I think I know what the answer is going to be, but I would like to have it in the record.

Mr. PERRYMAN. Mr. Congressman, American School Food Service Association is currently under contract with Agency for International Development doing a worldwide survey of childfeeding programs and again with your permission, I would be pleased to send information to you which you might or might not wish to enter into the record.

Mr. LEHMAN. I would like to have it and certainly I would like the information to be as consistent and effective as possible.

Is there anyone else who would like to make a comment at this time? I thank you personally for coming. I have enjoyed it, and it has been a very rewarding learning experience for me.

Mr. Perryman, I would like to acknowledge your presence here. You are also from our south Florida district, and you are doing a great job.

Mr. PERRYMAN. Thank you, sir.

Mr. LEHMAN. Dr. Dale F. Roeck, associate dean of dentistry, Temple University, Pennsylvania.

STATEMENT OF DALE F. ROECK, CHAIRMAN, COUNCIL ON DENTAL HEALTH OF THE AMERICAN DENTAL ASSOCIATION; ACCOMPANIED BY HAL M. CHRISTENSEN, DIRECTOR, WASHINGTON OFFICE

Dr. ROECK. Mr. Chairman and members of the committee, I am Dr. Dale F. Roeck, associate dean of Temple University School of Dentistry and chairman of the Council on Dental Health of the American Dental Association. I am accompanied by Mr. Hal M. Christensen, director of the Washington office of the association.

I am pleased to have this opportunity to offer testimony on H.R. 4974, the Child Nutrition Education Act of 1973, on behalf of both the American Dental Association and the National Dental Association.

Owing to the relatively short notice of these hearings and in deference to the demands on the time of the members of the committee, my comments will be brief. The associations' particular interest in H.R. 4974 is in the sections of the bill that would establish a new program of nutrition education for children and the sections regulating the sale of foods in competition with the national school lunch program.

We believe that these provisions are well conceived and if enacted would make an important contribution to the dental and general health of our children and future generations of children.

As an attachment to my statement, I have included some summary information relating to the dental health problem in this country. Especially pertinent to this discussion are the facts that by age 2 approximately 50 percent of American children have experienced tooth decay.

On entering school, the average child has 3 decayed teeth and by age 15, the average child has 11 teeth decayed, missing, or filled; for every 100 selective service recruits, the armed services have needed to perform or supply 500 fillings, 80 extractions, 25 bridges, and 20 dentures.

In 1971, expenditures for dental care in the United States totaled about $4.7 billion and only about 40 percent of the population saw a dentist that year. Of this amount, about $2 billion was spent for repair of decayed teeth.

I cite these figures to indicate the vastness of the dental disease backlog in this country and to demonstrate that the long-range solution to the problem lies in prevention. While significant progress has been made in recent years in prevention through the fluoridating of public water supplies, the professional application of topical fluorides, and the teaching of plaque control, much more needs to be done.

A particular area for additional attention and emphasis is in the area of educating people, particularly children, in food and nutrition as related to dental health. For many years, the Bureau of Dental Health Education of the American Dental Association has produced educational booklets and audiovisual materials in a wide variety of forms for the teaching of dental health in elementary and secondary schools.

Currently, we are producing six pamphlets dealing in whole or in part with nutrition in a manner suitable for teaching elementary and secondary schoolchildren. In the last 3 years, 821,176 copies of these pamphlets were distributed for schoolchildren.

Three motion pictures relating directly to nutrition have been circulated to a large number of schools and special education facilities. The association also releases 6 public service television spots each year to 425 commercial television stations.

Two slide sets and three filmstrips for schoolchildren dealing with diet and nutrition also are distributed. Although there has been growing acceptance of these materials and increasing cooperation on the part of teachers and school administrators in their use, it is still, in many instances, a sporadic and piecemeal approach.

The launching of a national program of child nutrition education as proposed in H.R. 4974 could do much to fill the existing voids in health education and, in relation to the expenditures envisioned, pay significant dividends in terms of better health and reduction of expenditures for remedial care and treatment.

Once the program is underway, the American Dental Association is prepared to cooperate and assist in any way possible to help assure its success. It would appear that, as authorized in H.R. 4974, the employment in each State of a nutrition education specialist to plan and develop the program during the first year, with a grant based on per capita formula thereafter for support of the program, is a sound approach toward the financing of the program.

In this connection, trained dental hygienists now employed in many school districts should not be overlooked as a valuable personnel resource.

With respect to section 9 of the bill dealing with "competitive foods", our associations are extremely pleased to concur with the repeal of the second sentence of section 10 of the Child Nutrition Act which permits the sale of confections and other sugar-rich foods and beverages in direct competition with the school lunch program.

Our associations opposed unsuccessfully the inclusion of this provision in the law, Public Law 92-433, that was adopted last year.

We were and are concerned specifically over the invitation inherent in the existing language to install vending machines in the schools to dispense sugar-rich beverages and confections alongside the well-balanced meals offered in school cafeterias and lunchrooms.

Mr. RADCLIFFE. Doctor, at that point your concern is with the nature of the foods that might be sold in a competitive food service, is that correct?

Dr. ROECK. Yes, sir.

Mr. RADCLIFFE. So that you are not suggesting then that there is anything inherently wrong with placing the responsibility for assuring the service of nutritious foods in some other agency then the Department of Agriculture?

Dr. ROECK. No, providing there is assurance that nutritious foods will be those that are available and not the non-nutritious foods.

Mr. RADCLIFFE. Thank you.

Dr. ROECK. In this connection, the relationship between sugar-rich foods and dental decay was positively established and recorded in the Journal of the American Dental Association, in a well documented study published in 1953 by the Council on Dental Health and the Council on Dental Therapeutics of the American Dental Association.

Because of the associations' responsibility for safeguarding the dental health of the American public, the councils were charged to document the known or potential hazards to dental health resulting from the frequent consumption of sweetened beverages and other sugar-containing substances.

The Council concluded:

> From the health point of view, it is desireable especially to have restriction of such use of sugar is represented by the consumption of sweetened carbonated beverages and forms of candy which are of low nutritional value.
>
> The Council believes it would be in the interest of the public health for all practical means to be taken to limit the consumption of sugar in any form in which it fails to be combined with significant proportions of other foods of high nutritive value.

The report may be found in the October 1953 issue of the Journal of the American Dental Association, page 387.

Since that report, several independent studies have added to and amplified the conclusions reached by the association's councils. A partial listing of the most recent studies is appended to this statement.

In our statement to the Senate committee which considered this matter last year, we stated our twofold concern. We share, first of all, the desire of all Americans that children be afforded diets that are high in nutritional value.

The present school lunch program plays a valuable role in helping to assure this. It would be imprudent and, we think, unfair to the child to tempt him to ignore the well-balanced lunch available to him in favor of purchasing foods from vending machines that would be far less valuble in terms of his overall growth and development.

Second, we are concerned about the deleterious effect on the oral health of children that is the consequence of undue consumption of sugar-rich foods, many of which are commonly sold in vending machines.

Conclusive evidence has long been available concerning the hazards to dental health resulting from the undue consumption of sugar. The hazards are especially great among school-age children.

The sale of sugar-containing drinks and other confections in schools through vending machines encourages the between-meal consumption of sugar-rich products. Dentists have been bringing this evidence to the attention of their patients and the general public for decades.

Sound oral health care involves disincentives against indulgence in sugar-rich snacks between meals, much less in place of well-balanced meals.

Uncontrolled placement of food and drink vending machines purveying such products militates against the efforts being made by dentists, parents and schools to teach good oral hygiene habits to children.

For the foregoing reasons, the American Dental Association and the National Dental Association strongly urge the retention of statutory authority to regulate the sale of food items in competition with with programs authorized under the national school lunch program.

We appreciate this opportunity to present our views on the legislation before you.

[The attachment referred to follows:]

[Appendix A]

DIMENSIONS OF DENTAL HEALTH PROBLEM

Dental disease is all but universal.

Fewer than half the people in this country have dental exams or treatment in a given year; far fewer than that receive dental care on a regular basis.

By age two, approximately 50 per cent of America's children have experienced tooth decay. On entering school, the average child has three decayed teeth and by age 15, the average child has 11 teeth decayed, missing or filled.

Approximately 50 per cent of the children in American have gingivitis, which can lead to progressive periodontal disease, a major cause of tooth loss in adults.

Nearly 50 per cent of all children under age 15 have never been to a dentist. This percentage is substantially higher for children in rural areas.

Almost 70 per cent of the children in poor families have never been to a dentist.

Over 50 per cent of all Americans over age 65 have lost all of their natural teeth.

Of the total adult population of approximately 110 million, more than 20 million have lost *all* their natural teeth; of the 90 million with teeth, 25 per cent have destructive periodontal disease and over 50 per cent have some stage of gingivitis.

Cleft palate, with or without cleft lip, occurs about once in every 700 births or about 6,500 such births annually.

Oral cancer is discovered in 14,000 new patients each year and accounts for over 7,000 deaths yearly. Of those who have had treatment, approximately 22 per cent are in need of maxillo facial prosthesis.

For every 100 Selective Service recruits, the Armed Forces needs to perform or supply 500 fillings, 80 extractions, 25 bridges and 20 dentures.

[Appendix B]

RECENT STUDIES RELATING TO NUTRITION AND DENTAL HEALTH

William David, D.D.S., Lincoln, Nebraska: *The Physical Character of Food as a Dietary Factor in Dental Caries Control*; The Chronicle of the Omaha District Dental Society, Volume 33: Feb., 1969, Pages 179–180.

Eleanor J. Edmonds: *Diet and Dental Health*; Texas Dental Journal, Volume 88: May, 1970, Pages 21–22.

T. H. Grenby, BSC, Ph.D.: *Some Aspects of Food and Dental Caries;* Chemistry and Industry, Volume 28: September, 1968, Pages 1266–1270.

R. L. Hartles, Ph.D., DSC: *Dietary Modification as a Means of the Control of Dental Caries:* Dental Health, Volume 10: Autumn, 1971, Pages 47–51.

P. B. V. Hunter, BDS: *Sugar and Dental Decay;* School Dental Service Gazette, Volume 80: October 1970, Pages 59–60.

William H. Keeler, MD, MPH and John E. Higgins, D.D.S., Roanoke, Virginia; *The Indiscriminate Distribution of Sweets to Children as Favors or Captive Purchases;* Journal of the American Dental Association, Volume 75:, October, 1967, Pages 903–907.

Ernest Newbrun, D.M.D., Ph.D.: *Sucrose, The Arch Criminal of Dental Caries;* Journal of Dentistry for Children, Volume: 36, July-August, 1969, Pages 239–248.

Abraham E. Nizel, D.M.D., MSD: *Dental Caries: Protein? Fats and Carbohydrates;* A Literature Review, New York Dental Journal, Volume 35: February, 1969, Pages 71–81.

J. D. Palmer, BDS, LDS; *Dietary Habits at Bedtime in Relation to Dental Caries in Children, British Dental Journal,* Volume 13: April 6, 1971, Pages 288–293.

Solomon N. Rosenstein, D.D.S.: *Systemic and Environmental Factors in Rampant Caries;* New York State Dental Journal, Volume 32: November, 1966, Pages 400–406.

Gordon Stevenson, MS: *Present Status of Programs to Control Dental Caries by Combining Lactobacillus Counts and Dietary Restriction of Carbohydrates;* Journal of Dental Education, Volume 35: June, 1971, Pages 41–42.

G. B. Winter, MB, BDS, FDS, DCH: *Sucrose and Cariogenesis;* British Dental Journal, Volume 124: May 7, 1968, Pages 407–411.

Mr. LEHMAN. Thank you very much. I would hope that, with some of this backlog of dental problems, that we will be able to meet and give it the kind of national priority that this country needs and deserves.

Mr. ROECK. We concur.

Mr. LEHMAN. I would like to mention that Dr. Jean Mayer, Harvard University, had been invited to appear this morning. He would like to have been here, but he already had another commitment which he was unable to break. Therefore, I would like to include in the record at the end of today's hearing the statemeut submitted by Dr. Mayer, one of the leading nutritionists in the country.

We hope that he will have an opportunity to come before this committee in the future.

Mr. LEHMAN. I think at this time we can adjourn. We once again thank everyone for coming and for your support. We are going to need all of the help we can get.

[Whereupon, at 11:30 a.m. the committee adjourned to reconvene at the call of the Chair.]

[Dr. Mayer's statement follows:]

STATEMENT OF DR. JEAN MAYER,[1] PROFESSOR OF NUTRITION, DEPARTMENT OF NUTRITION, HARVARD SCHOOL OF PUBLIC HEALTH

GENERAL COMMENTS

One glaring deficiency of the National School Lunch Program as presently practiced is the weakness of its educational component. While the problem of imparting proper nutrition knowledge to the Nation is one which transcends the 12 year school cycle, and should also take into account the effect of labeling, advertising and the role of the media, while more attention should be paid to the teaching of Nutrition in junior colleges, colleges and medical schools, and while other food programs should also have educational components, it remains true the the school lunch education program can be the kingpin of the whole effort, if properly structured.

Mr. Chairman, I am highly gratified to be asked to comment on this important problem and deeply regret that a previous teaching commitment of long standing at a university other than mine prevented my appearing personally before you on March 8.

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[1] Dr. Jean Mayer was Chairman of the White House Conference on Food, Nutrition, and Health. He is a Member of the President's Consumer Advisory Council, and Chairman of its Nutrition and Health Committee.

Nutrition Education, always an important facet of education, is now more urgently needed than ever:

(1) Our food supply is more and more complex. With 500 additional products every year in the supermarket, knowing what to buy is also becoming yearly a more complex task for the housewife. It is to be hoped that regulations on nutritional and ingredient labelling will be published soon by the Food and Drug Administration. Labelling will make the task of the housewife easier. The labelling should be complemented by a massive public campaign in Nutrition Education for the general public. A minimum of one tenth of one percent of our national food bill should be spent on Nutrition Education for the public with particular emphasis on the use of television.

(2) Advertising too often represents a massive threat to Nutrition Education. Advertising has resources presently hundreds of times in excess of federal budgets for Nutrition Education. The products most advertised on television are soft drinks and other "foods" of no or little nutritional value. We must improve the veracity, information content and tone of advertising through coordinated action by the Food and Drug Administration, Federal Trade Commission, Federal Communications Commission, foundations and private efforts.

(3) Our educational system is doing a poor job of teaching nutrition. There are some good reasons for it: Elementary schools and high schools are already over burdened with teaching responsibilities. Particularly in the cities, objective measurements of literacy, mathematics, and other classical subjects often show deterioration in performance. To add new subjects in the classroom schedule is understandably resisted by teachers. Furthermore, teachers are often poorly prepared for the job of teaching Nutrition and have little good material available.

Much better use could be made of the school lunch program to teach Nutrition. Coordination of what goes on in the lunch room with special sessions given by nutritionists and dietitians under the sponsorship of the school systems could be highly effective without overtaxing the teaching facilities of the school. This is particulary so if good teaching material (booklets, posters, film) are made available. A model curriculum is appended.

In junior colleges and colleges, the requirement for Health Science courses is a useful development. Here, too, however, there is need for better teaching material to assist what are often new and untried Health Science departments.

Medical schools are still deficient in the teaching of Nutrition. They will continue to be so until there is a clear place for Nutrition in the curriculum and a professor of Nutrition to direct the teaching. In this regard, I would support a modest yearly appropriation, say 15 million dollars, to support the salary and office of a faculty member responsible for Nutrition Education in each medical school. Attention should similarly be paid to dental schools and allied health schools.

(4) The federal food programs other than the School Lunch Program, such as food stamps, commodities and the whole range of child nutrition programs, should have a built in Nutrition Education component as has been pioneered in some (limited) areas. Again, good teaching material should be developed. Use of television, radio, and other media should be stepped up, with special attention being given to non-English speaking groups.

MODEL CURRICULUM FOR NUTRITION EDUCATION IN SCHOOLS

First cycle (Grades 1, 2, 3)

Various types of food—regional and ethnic foods. Descriptions of plants and animals which are used as food. Where milk comes from, how butter is made.

Rapport with families, stores—Wheat growing and milling. Fishing. Discovery of corn and potatoes.

Second cycle (Grades 4, 5, 6)

The human body, with special attention to how food is used: chewing, the role of the stomach, intestine, liver. How food and oxygen are brought to all cells in the body. Taste and olfaction.

Third cycle (Grades 7, 8, 9)

The nutrients: carbohydrates, fat, protein, vitamins. Calories.

Calories in foods, caloric expenditures—Nutritional labelling. Ingredient labelling.

Fourth cycle (Grades 10, 11, 12)

Weight control. How to calculate your diet. Proteins and amino acids: animal and vegetable sources. The identification of vitamins ("natural" and synthetic vitamins).

Fads and fallacies. Nutrition and athletics. Nutrition and the prevention of disease.

Throughout: Recipes and ingredients in the school lunch program will be emphasized. From the 7th grade on all foods presented in the school lunch room will be labeled both in terms of nutritional labelling and ingredient labelling.

I would strongly recommend that the Federal Government assist state education departments in establishing and supporting a required course on human biology to be given sometime in the last two years of high school; this course would include as one of its components the physiological and health aspects of nutrition.

NATIONAL SCHOOL LUNCH ACT

WEDNESDAY, JULY 11, 1973

House of Representatives,
General Subcommittee on Education,
of the Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 8:30 a.m., in room 2175, the Rayburn House Office Building, Representative Perkins (chairman) presiding.

Present: Representatives Perkins, Lehman, Quie, Bell, and Peyser.

Also present: John Jennings, counsel; Marian Wyman, assistant to the Chairman; and Charles Radcliffe, minority counsel.

Chairman **Perkins**. The General Subcommittee on Education is meeting this morning to continue to hear testimony on H.R. 4974, as well as on general aspects of child nutrition and malnutrition in the United States. An initial hearing on this legislation was held on March 8, at which time testimony was heard on the purposes of the bill; principally nutrition education through grants to States, changes in the competitive food service provisions, increased Federal support for school lunch and breakfast programs, and other administrative changes in funding.

Between that date and the present, the need for legislative action has become more critical because the financial picture for school feeding programs has worsened considerably. Programs are again facing deficits during the coming school year due principally to two factors: First, of course, is the increased cost of food with which the Department of Agriculture failed to reckon in setting the reimbursement rate at 8 cents again last week and, second, is the shortfall predicted for Department of Agriculture purchase of commodities for donation to school districts. This dual problem is outlined in correspondence I have just received from the Dayton, Ohio, public schools:

> To date we have experienced an average price increase of 20 percent on all 1973-74 lunchroom supply items. This, together with an anticipated employee wage increase, projects a dark 1973-1974 lunchroom school lunch year. Costs are rising beyond income derived from school lunch prices. Indications are also that the 1973-1974 commodity program will not extend substantially beyond the low levels of 1972-1973. Under current income conditions, a deficit in excess of $200,000 is projected for the 1973-74 school lunch program.

The legislation under consideration today attempts to deal with these two problems. I feel the time for action is now, so that schools will know in time for next year's planning just what funds may be expected for the operation of the local programs.

Our first witness this morning will be Dr. Clayton Yeutter, Assistant Secretary of Agriculture. Welcome, Dr. Yeutter.

STATEMENT OF DR. CLAYTON YEUTTER, ASSISTANT SECRETARY, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY EDWARD J. HEKMAN, ADMINISTRATOR, FOOD AND NUTRITION SERVICE; HERBERT D. ROREX, DIRECTOR, CHILD NUTRITION DIVISION FOOD AND NUTRITION SERVICE; AND WILLIAM G. BOLING, ASSOCIATE DIRECTOR, CHILD NUTRITION DIVISION, FOOD AND NUTRITION SERVICE

Dr. YEUTTER. Mr. Chairman, I believe you have before you now the final version of my comments which is a bit different from the version that was delivered to you yesterday. I apologize for all the versions. One of these times we will get properly organized and get you a final copy of that in a more opportune time.

Mr. Chairman, I will clarify some of the differences in the statements as we go along.

We appreciate this opportunity to meet with you today to discuss our views relating to H.R. 4974. We are pleased that the bill seeks to further the positive achievements of the federally assisted child nutrition programs which have a solid record of growth dating back to passage of the original National School Lunch Act, 27 years ago last month. This committee's role in the development of these programs is widely recognized.

As you know, the administration has proposed that that portion of the school lunch program which provides assistance to State, local and private education agencies for non-needy children should be a part of the Education Special Revenue Sharing program under the Better Schools Act. We feel, therefore, that it would be more appropriate that your consideration of any changes to the National School Lunch Act be deferred until Congress has completed action on that proposal. We realize, however, that the Congress may choose to amend the School Lunch Act at the same time it is acting on other education legislation. With this in mind, I would like to comment on some of the problems we see in this bill.

I would like to, if I may, take a moment to review some of the highlights of recent gains in child nutrition activities. We have placed a high priority on making school lunches accessible to all children in keeping with the intent of Congress and the recommendations of the National Advisory Council on Child Nutrition. Latest reports from the Food and Nutrition Service show that the national school lunch program is now available to 85 percent of the nation's school children. Over 11,000 schools have joined the program since 1969. FNS is working closely with State and local school officials and concerned groups across the country to bring the school lunch program within reach of the remaining 2.6 million public schoolchildren and 2.3 million youngsters in parochial and other nonprofit private schools still without food service.

This is an impressive record of accomplishment for both the executive and legislative branches of government but there is no reason to relax our efforts or lessen our concern. There is still a big job to do, and we are in full accord with the spirit of H.R. 4974 to further build on this record. In our opinion, however, some aspects of H.R. 4974 need further evaluation and we would welcome the opportunity to work with you in each of these areas.

A major point of difference centers on the important but difficult issue of how to carry out nutrition education, and who should carry it out. H.R. 4974 would establish a new categorical grant program in this area. This would take us beyond the lunchroom-related role of the food and nutrition service into the realm of curriculum development and classroom education—functions which are now performed by the Department of Health, Education and Welfare and State educational agencies. As is indicated by our proposal in the Better Schools Act, we believe that these functions may most appropriately be carried out by the State educational agencies.

Under authority of section 6 of the National School Lunch Act which authorizes special projects of "nutrition training and education for workers, cooperators and participants in these (child nutrition) programs," the Food and Nutrition Service has undertaken a variety of projects to extend our knowledge and better define our role in the area of nutrition education.

For example: Last March, the Department awarded a grant of $126,675 to the Georgia Department of Education to develop coordinated training in nutrition education, linking the classroom with school food service program. A team approach to training school food service workers and teachers will be developed, pilot tested and evaluated for effectiveness in reaching children in Georgia and four other cooperating States—Alabama, Florida, Mississippi, and Tennessee.

In another series of six projects, we are looking at nutrition education developed and carried out under the supervision of State nutrition education specialists—one of the goals being to find out how best to organize and coordinate such a program. Participating States are: New York, Nebraska, Arkansas, Alabama, California, and Pennsylvania.

These are pilot studies and hopefully they will be of value not only to us, but also to State and local educational agencies. This will be particularly important if, as we suggest, State and local entities are in fact given the primary role in this nation's nutrition education programs.

A larger share of our effort has been devoted to the development of training methods for school food service workers to help them them do the best possible job of preparing and serving food to children.

Among the projects we have pursued in this area is a series of ten 30-minute television programs developed under contract with the New England State Education Council, the Boston educational TV station WGBH, and Harvard University.

The purpose is to provide specialized nutrition training for school food service workers, relating to all phases of the job—including buying, preparing, serving, and merchandizing nutritious food to school lunch customers. The series, complete with course materials and test, has been shown over educational TV in New England where some 7,400 school food service personnel registered as students for the 10-part TV course. Response has been most encouraging and we are now working on plans to make the series available nationally.

Toward an independent study program for food service workers, the Department has just contracted with the Extension Service of the University of Wisconsin to study and develop a correspondence course for school food service manager and potential manager. The objective is to develop and test a course covering the full gamut of a manager's responsibilities with emphasis on nutrition training keyed to the meal standards of the child nutrition programs.

We expect to learn a great deal from these training and education projects. However, we now need an opportunity to complete the projects and the evaluation process.

For the present, we recommend that H.R. 4974 be amended to provide a more general authorization for State administrative expenses, training of nutrition program workers and administrators and special developmental projects.

A parenthetical comment here is that H.R. 4974 as presently drafted has two different provisions involving administrative expenses plus additional provisions that are already in the law for special developmental projects plus the provision in H.R. 4974 for nutrition education.

Our belief is that it would be much preferential to combine these particular programs together into one grouping to additional flexibility for the States that administer those programs.

Specifically, we would propose that States be permitted to use up to 2 percent of the funds expended for child nutrition programs in the previous fiscal year to finance projects in those three areas. This would enable States to better allocate available resources to meet their needs. Needless to say, such an authorization would presently be subject to the appropriation process; and budget proposals would, as now, be subject to approval by the Secretary of Agriculture.

This plan for a more general authorization would also remedy the need expressed in another provision of H.R. 4974 designed to strengthen State administration and supervision of child nutrition programs. There is clear need for this kind of assistance. State staff personnel form a vital link in the Federal-State local chain of child nutrition program operations. Many State offices are seriously understaffed and have thus been handicapped in adjusting to the major changes in program rules and procedures of recent years. A more general authorization, such as we are suggesting, would give States needed flexibility to set administrative priorities, based on their own circumstances.

It really does go beyond administrative priorities into some of the program priorities we just enunciated.

Turning to basic cash assistance for school lunch programs under section 4 of the National School Lunch Act, we would like to point out that Federal support has already increased substantially in recent years. The average rate of payment increased from 5 cents per lunch in fiscal year 1971 to 8 cents per lunch in fiscal year 1973—an increase of 60 percent in the basic Federal rate of assistance. During this same period, the Wholesale Price Index for all food rose 15 percent and the index of hourly earnings in eating and drinking places went up 12.5 percent.

Thus, recent increases in the Federal payment far exceed any increases in costs that have been experienced. Accordingly, we do not believe a further major increase is warranted at this time.

With regard to payments under section 11 to help provide lunches for needy children, we support the bill's plan to move to an averaging concept simlar to that now used for the basic section 4 payments and the breakfast program. Both the Federal Government and the States have found this to be a most workable system. Consistent with the 1974 budget proposal now before Congress, we would recommend an average payment of 43 cents for all free and reduced-price lunches served.

Regarding decisions on who should get free lunches, we cannot support the H.R. 4974 proposal to provide that lunches would be served free to all students in schools with over 85 percent needy children. As a basic principle, we believe that those who can afford to pay the regular price for lunch regardless of which school they attend, should be expected to do so.

The proposed increases in rate of payments for the school breakfast program are, in our view, not needed at this time. Budget plans for the current fiscal year call for standard rates of payment of 20 cents for each free breakfast served, 15 cents for each reduced-price meal, and 5 cents for every regular-price meal. There is a safety valve in the rules that allow the rates to go as high as 30 cents for free breakfasts and 20 cents for the reduced price, in especially needed schools where costs justify higher rates. This allows sufficient flexibility to cope with unusual costs and meet special needs.

In another provision, H.R. 4974 would depart from the present priorities of administering Federal aid to help needy schools buy food service equipment. By adding needy schools with temporary food service to the category of "no food service" schools, the bill would make them eligible for the 50 percent of equipment funds now reserved, by law, for those schools with no programs at all. This change would adjust the present priority of making school meals available to children now without access to any food service.

The provision could dilute our efforts in this direction, and would be extremely difficult to administer, largely because of the problems in drawing a distinction between a temporary and a permanent food service. Moreover, under present policies, schools which are seen to be struggling with temporary and inadequate facilities already rate high priority on the remaining 50 percent of the equipment funds each State has available. We do not believe that the proposal in H.R. 4974 would effectively improve on their situation.

Toward wider participation in the lunch program, H.R. 4974 would require that all schools within a participating school district join the national school lunch program by June 30, 1975. This proposal runs counter to the history of the child nutrition programs and of American education generally. These have traditionally been matters for State and local decision with the Federal Government a cooperating partner, but not the dominant one. In short, we believe the decision to participate or not participate is one best made at the local level, and one which should not be mandated by the Federal Government.

With regard to the proposal that the trust territories should be brought into the regular child nutrition programs, we would propose that the H.R. 4974 plan be modified to authorize a 3-year pilot or development project to seek solutions to a variety of problems including transportation and facilities as well as to find ways to satisfy local food tastes and meet nutrition standards.

Parenthetically again in this regard we certainly agree that trust territories should not be treated as second-class operations in this or any other Federal program but likewise we feel that these ought to be evaluated on a one-by-one basis and we ought not have an iron-clad commitment by law for the execution of comparable programs there to the programs that already exist in continental United State until we know of the feasibility of such programs.

Regarding the commodity provision of H.R. 4974, we recognize that schools must be able to budget in advance for a dependable level of commodity support from the Federal Government. The supply price situation of recent months has made it increasingly difficult to acquire commodities under the surplus-removal provisions of section 32 and the price-support programs of section 416.

The farm bill, now before the Congress, would authorize the purchase of commodities with section 32 funds, even though they may not be in surplus supply. If this provision becomes law, as we believe it will, this provision will permit us to meet the food needs of these programs while continuing to give priority to the surplus removal of agricultural commodities.

This particular provision was in the Senate version of the farm bill passed 2 or 3 weeks ago and will be introduced today in the House version probably by Mr. Quie who is a member of this subcommittee.

We believe this approach is preferable to the one presently incorporated in H.R. 4974.

In another provision, H.R. 4974 would switch the responsibility for controlling food sales that are deemed in competition with federally assisted food service programs back to the Federal Government. Public Law 92–433 enacted last September transferred this responsibility to State and local governments, requiring that Federal regulations shall not prohibit the sale of competitive foods, so long as the proceeds accrue to the benefit of the schools or approved student organizations. The Department, in accord with its understanding of congressional intent, issued regulations providing that "State agencies and school food authorities shall establish such regulations or instructions as are necessary to control the sale of food in competition with a school's nonprofit food service under the program * * *."

I have recently written to the heads of all State education departments urging their involvement with school food service staffs in establishing such policies before the opening of the fall term. Such States as Florida and West Virginia have already done so, and we have every indication that other States are moving promptly to assume their responsibilities under the new law. This action tends to confirm our belief that control of competitive foods is truly a matter for state and local action.

Finally, I would like to comment on the H.R. 4974 proposal to amend the rulemaking procedure for establishing new regulations governing child nutrition programs. As you know, our practice is to publish proposed regulations in the Federal Register and allow at least 30 days for public comment on these proposals. All comments are carefully considered and very often influence the outcome of the final rules.

The H.R. 4974 provision to mandate consultation with a specified group or groups would seriously interfere with the execution of these programs.

First, it would impose a double rulemaking process, meaning it would require informal rulemaking procedure prior to initiation of the formal rulemaking procedure.

Second, in specifying that proposed rules should reflect the comments of a specific group, the provision would tend to ignore the contributions of other groups and individuals including the department itself.

Third, this kind of rulemaking procedure would establish an unfortunate precedent that would extend beyond child nutrition programs and could ultimately hinder the administrative operations of many other Government programs. On these grounds, we cannot support this feature of the bill.

We do, however, value the work of the National Advisory Council on Child Nutrition. I will be meeting with this group within a few days here in Washington. The Council has done an outstanding job of studying the child nutrition programs and focusing attention on areas needing improvement. We support the H.R. 4974 proposal to increase the size of that body.

As I mentioned earlier in the statement, we will welcome the opportunity to continue working with the committee on specific aspects of H.R. 4974, particularly on matters of timing. Timing can be a crucial factor in adding new features of program activity into the school administration calendar, and it may already be too late to implement some of the provisions of H.R. 4974 in the upcoming school year. We will be happy to share our views on this or any other question with the the committee at any time.

Chairman PERKINS. Let me ask you three or four questions. In view of the increase of 14.5 percent in food during the past year, how can we afford not to increase the reimbursement rate to local educational agencies to 10 cents if we intend to keep the school lunch program healthy and sound and not let the middle-class child be priced out of the market?

Just tell me how we can afford not to. Where is the money going to come from if the Federal Government fails to increase the reimbursement rate to 10 cents?

Dr. YEUTTER. Mr. Chairman, as I indicated in the testimony, the Federal contribution has already gone up substantially.

Chairman PERKINS. Certainly. But that is a drop in the bucket. That is for the ordinary school lunch program and the reimbursement rate for the cost of providing that lunch. Don't you see great danger of the middle-class child being priced out of this school lunch program?

Dr. YEUTTER. Certainly. Someone in Government at some level must increase its contribution to this program in the forthcoming years.

Chairman PERKINS. In view of the high inflationary spiral, naturally the local government—and in most instances the State governments—will make a proportionate increase. But don't you feel we are justified in going to 10 cents to preserve this great program in view of the tremendous increase in the costs of food and labor and the increased cost of the lunchroom workers?

Dr. YEUTTER. Mr. Chairman, an increase from 8 to 10 cents in percentage terms would exceed the increase in cost that is going to be experienced by most school districts around the country.

Chairman PERKINS. How would it, if the increase generally is 15 percent?

Dr. YEUTTER. From present 8 to 10 would be a 25 percent increase in Federal contribution which exceeds any projections I have seen on food costs and labor costs and the other elements that would be built into this program. Aside from that particular point, as comparing the contributions of State versus local government, I have been in State government too, as you have, and revenue that is being generated at the State level is one of the optimistic facts of governmental life these days. The State government is today doing a better job of raising revenue than the Federal Government is.

In view of that point which is a switch from the situation when you and I were in State government, it would seem to me that those governments at this particular point in time have a greater capability of picking up an increase.

Chairman **Perkins**. You know the statistics show that the revenue at the local level is not going into social programs, but it is going into *construction and into general welfare projects that must be carried* out at the local and State level.

Am I correct in that statement?

Dr. **Yeutter**. I suppose one would have to evaluate every State individually in that regard, Mr. Chairman. I would not have that information. It is obvious that each State makes its own priority determinations.

Chairman **Perkins**. The General Accounting Office released within the last several days a study on the progress of the school lunch program and the problems in achieving the objectives of the school lunch program. I would like to include that report in the record at this point.

[The document referred to follows:]

REPORT TO THE CONGRESS

Progress And Problems In Achieving Objectives Of School Lunch Program

B-178564

Food and Nutrition Service
Department of Agriculture

BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

JUNE 29, 1973

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-178564

To the President of the Senate and the
Speaker of the House of Representatives

We have reviewed the progress and problems in achieving the objectives of the school lunch program administered by the Food and Nutrition Service, Department of Agriculture.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget, and to the Secretary of Agriculture.

Elmer B. Staats

Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

PROGRESS AND PROBLEMS
IN ACHIEVING OBJECTIVES
OF SCHOOL LUNCH PROGRAM
Food and Nutrition Service
Department of Agriculture B-178564

DIGEST

WHY THE REVIEW WAS MADE

The Food and Nutrition Service administers four child-feeding programs and three related programs to safeguard the health and well-being of the Nation's children.

Federal assistance to the States to carry out these programs has increased over the years. From fiscal year 1967 to fiscal year 1973, for example, the assistance increased from $438 million to an estimated $1.5 billion.

GAO reviewed the administration of the school lunch program, the largest of the child-feeding programs, to determine whether its objectives--making nutritious lunches available to all school children and providing them free or at reduced prices to needy children--were being achieved effectively.

The review included visits to 13 school districts and 46 schools in these districts in California, Indiana, Kansas, Kentucky, Michigan, and Texas. (See app. I.)

FINDINGS AND CONCLUSIONS

Making nutritious lunches available to all school children

The Service's statistics showed that, between fiscal years 1969 and 1972, the number of schools participating in the program increased from about 74,900, with about 40 million students enrolled, to about 82,900, with about 45 million students enrolled. Some of these schools were operating only limited programs because of inadequate facilities.

Service data indicated that, early in the 1971-72 school year, about 24,900 eligible schools, with about 8.7 million students enrolled, were not participating in the program. About 18,100 of these schools did not have any type of food service, and the Service identified at least 4,400, with 1.4 million students enrolled, as needy schools. (See p. 10.)

Some schools did not participate because

--their officials were not interested in participating,

--their officials preferred to operate their own lunch programs, or

--local conditions were such that they did not want to participate. (See p. 11.)

Some schools did not participate because they did not have the buildings and equipment necessary for preparing and serving food. Some of these schools said they lacked local funds to acquire the necessary buildings and to purchase equipment. (See p. 12.)

Some participating schools had inadequate facilities and therefore could not serve lunches to all of their students. (See p. 14.)

State agencies were not effective in extending the program to all schools within their States, particularly to schools that required Federal assistance for necessary buildings and equipment. The Department's Office of the Inspector General reported that the Service's regional offices had made only limited efforts to extend the program to private schools. (See p. 14.)

The Service did not have reliable data on the schools needing assistance and on the extent of their needs. (See p. 16.)

Some of the reasons the schools cited for not participating were based on local preference or on special local conditions not susceptible to Federal persuasion. Other reasons, however, such as the lack of interest and the lack of facilities for preparing and serving food, evidenced problems which could be resolved.

To resolve these problems, the Service needs better data on the number of schools not participating and their reasons.

Such data would help the Service determine what assistance or changes in administrative policies or legislation may be needed to enable such schools to participate. (See p. 17.)

Providing free or reduced-price lunches to all needy students

After the May 1970 enactment of legislation which clarified responsibilities for providing free or reduced-price lunches, the number of students eating such lunches increased from about 5 million to 8.1 million in April 1972, a 60-percent increase.

The Service's March 1972 survey, however, showed that about 1.5 million needy students attending participating schools still were not eating free or reduced-price lunches. To determine why, GAO identified 183 needy students at 20 schools visited during the 1971-72 school year who were not eating free or reduced-price lunches and interviewed them or members of their families.

Of those interviewed, 75 said that they did not want to participate or to have the students participate because of personal reasons, such as pride or student preference not to eat the school lunches.

The other 108 persons interviewed said they wanted to eat, or to have the students eat, the school lunches free or at reduced prices. They gave various reasons for not participating, some of which appeared to be related to the schools' administrative practices which did not comply with the Service's regulations: some schools failed to send application forms to all families having children enrolled and used procedures which resulted in needy students' being identified. (See p. 21.)

The Office of the Inspector General found similar practices in its review of the administration of the free- and reduced-price-lunch program in other schools during the 1971-72 school year. It made several recommendations to the Service, including ones on the need for

--followup by the Service's regional office and State agency personnel on the schools' implementation of free- and reduced-price-lunch policies,

--prompt corrective action on problem areas,

--continued efforts to publicize the availability of free and reduced-price lunches, and

--renewed efforts to have schools develop systems that adequately protect the anonymity of students approved for free and reduced-price meals.

The Service said that action had been or would be taken on these matters. (See p. 26.)

GAO concurs with the Office of the Inspector General's recommendations to the Service and, in view of the actions that the Service has taken or planned, is not making any recommendations on this aspect of the program. (See p. 29.)

Need to obtain better information on cost per lunch

The Service lacked accurate information on the cost of lunches served under the program. It needs this information to insure that its reimbursements to the States are no greater than the allowable costs but are sufficient to give States an incentive to bring more needy students into the program.

The Service had not sufficiently guided the schools on how to compute the per-lunch cost because it had not identified what cost elements should be included. (See p. 31.)

RECOMMENDATIONS

The Secretary of Agriculture should have the Administrator of the Service:

--Make the studies necessary to obtain accurate information on the number and needs of schools that are not participating in the program and, if it is decided that the schools should be participating, determine whether changes in existing administrative policies or practices or in legislation are necessary.

--Direct the Service's regional offices to work more closely with the States in contacting nonparticipating schools and, where applicable, to contact nonparticipating schools directly, to convince them of the importance of providing nutritious meals to their students and to advise them of the types of assistance available to them under the school lunch program. Such promotional efforts could be especially effective in encouraging the participation of those schools whose reasons for not participating may be other than the unavailability of local funds. (See p. 18.)

--Specifically define the types of costs incurred by participating schools that are allowable for reimbursement by the Service. (See p. 32.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department generally agreed with GAO's conclusions and recommendations and described actions that were being taken to obtain better information, promote the program, and define reimbursable costs. (See pp. 18, 29, and 33 and app. III.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

Progress has been made toward achieving the school lunch program's objectives; further actions by the Department could result in greater progress. Some existing conditions, however, make it uncertain whether the objectives will be fully achieved. The Congress should find this report useful in its continuing evaluation of the school lunch program.

CHAPTER 1

INTRODUCTION

The Food and Nutrition Service (FNS), Department of Agriculture, administers four child-feeding programs and three related programs which the Congress authorized to safeguard the health and well-being of the Nation's children by providing various forms of assistance to the States to carry out nonprofit child-feeding programs.

The child-feeding programs are (1) the National School Lunch Program, which includes general cash-for-food assistance for all lunches and special cash assistance for free or reduced-price lunches for needy students, (2) the School Breakfast Program, (3) the Special Milk Program, and (4) the Special Food Service Program for children in nonprofit service institutions, such as day-care centers, settlement houses, and recreation centers.

The related programs are (1) the Nonfood (equipment) Assistance Program, (2) the program to provide cash advances to State educational agencies for their administrative expenses in conducting child-feeding programs and in assisting local school districts and service institutions in their efforts to reach more children, and (3) the program for nutritional training and education for workers, cooperators, and participants in the child-feeding programs and for surveys and studies of requirements for such programs.

We reviewed the administration of the school lunch program, the largest of the child-feeding programs, to determine whether its objectives--making nutritious lunches available to all school children and providing free or reduced-price lunches to needy children--were being effectively achieved. We made our review in 6 States, 13 school districts, and 46 schools in these districts. (See app. I.)

HISTORY OF SCHOOL LUNCH PROGRAM

Although Federal assistance for school lunch operations began as early as 1933, the National School Lunch Act of June 4, 1946 (42 U.S.C. 1751), provided the first permanent legislation authorizing Federal assistance for a school lunch program. Specifically, the Congress declared that the objectives of the act were "to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food ***."

The act authorized assistance to States in the form of cash reimbursements for part of the food costs and authorized continuance of direct distribution of suitable foods acquired by the Department through the use of customs receipts as authorized by section 32 of Public Law 74-320 (7 U.S.C. 612c). In addition, the act authorized the Department to purchase and distribute certain foods which would improve the nutritional quality of the lunches served. The act listed the following three basic operating standards.

--Lunches served should meet nutritional standards established by the Department.

--The lunch program should be operated on a nonprofit basis.

--Children unable to pay the full price should be served free or reduced-price lunches.

The Department's food distribution authority was further expanded by section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) which authorized donations of food acquired by the Commodity Credit Corporation under price-support programs.

On October 15, 1962, Public Law 87-823 added section 11, Special Assistance, to the National School Lunch Act. This section authorized higher rates of cash reimbursement to needy schools (those drawing attendance from areas in which poor economic conditions exist), to assist these schools in serving lunches to students unable to pay the full cost of such lunches. Continuous funding under section 11, which began in fiscal year 1966, increased from about $1.9 million in that fiscal year to about $502 million in fiscal year 1972 and is estimated at about $620 million for fiscal year 1973.

The Child Nutrition Act of 1966 (42 U.S.C. 1771) extended, expanded, and strengthened the efforts of the school lunch program including the establishment of a permanent program of nonfood assistance. This program provides up to 75 percent of the cost of equipment purchased or rented by schools drawing attendance from areas in which poor economic conditions exist, to enable such schools to establish, maintain, and expand school food service programs.

Public Law 91-248, approved May 14, 1970 (84 Stat. 207), clarified responsibilities for providing free and reduced-price meals. The law directed that such meals be provided on the basis of income guidelines prescribed by the Secretary of Agriculture. The law emphasized that the States were to extend the school lunch program to all schools and that free or reduced-price lunches were to be made available to all needy students. The law also permitted transferring Federal funds between programs, provided for advance appropriations and carryover authorization, strengthened the nutritional training and educational benefits of the programs, and required each State to develop a plan of child nutrition operations by January 1 of each year for the following fiscal year.

Public Law 92-153, approved November 5, 1971 (85 Stat. 419), increased the amount of reimbursement for lunches served. An average reimbursement rate of 6 cents in general cash-for-food assistance was established for each meal served and 40 cents in additional special assistance was guaranteed for each free meal unless the cost of providing such a meal was less than 46 cents.

Public Law 92-433, approved September 26, 1972 (86 Stat. 724), increased the reimbursement rate for general cash-for-food assistance to 8 cents for each meal served. The act also required that 50 percent of nonfood assistance funds be used solely for schools without food service and permitted the 25-percent matching requirement to be waived for schools without food service that are determined by the State to be especially needy.

RESPONSIBILITY FOR ADMINISTRATION

The Department of Agriculture, through the FNS headquarters and regional offices (1) supervises States' administration of the program, (2) administers the program for private schools in those States where the State educational agencies are prohibited from disbursing funds to private schools, (3) distributes commodities to the States and private schools where applicable, (4) reviews State and local school operations, (5) apportions funds to the States, and (6) sets standards for nutritious meals.

At the State level, the State educational agency administers the program in public schools and in private schools where permitted. The agency (1) submits a State plan of child nutrition operations for each fiscal year for FNS approval, (2) establishes a system of accounting under which school food authorities will report program information, (3) maintains current records on schools' operations and accounts for program funds, (4) determines whether the matching requirements of the act are being met, (5) provides supervisory assistance to local schools, (6) provides the schools with monthly information on foods determined by the Department of Agriculture to be in plentiful supply, and (7) investigates complaints.

FNS and the States are responsible for extending the program to all schools. In addition, the States are responsible for assisting local schools to reach additional students.

At the local level, the schools or school districts carry out the program and determine the students eligible for free or reduced-price lunches in accordance with policy statements which must be submitted to the State agencies. To participate in the program, each school and school district must enter into a written agreement with the State and must keep accurate records to support claims for reimbursements.

PROGRAM FUNDING

As shown in detail in appendix II, Federal assistance to the States for the school lunch program and for the other FNS-administered child-feeding and related programs increased from about $438 million in fiscal year 1967 to about $1.5 billion in fiscal year 1973.

For the school lunch program, States must match the Federal grants for general cash-for-food assistance from sources within the State at a ratio of 3 to 1. For States with below-average per capita incomes, this ratio may be decreased. Between fiscal years 1967 and 1972, annual contributions from sources within the States increased from $1.33 billion to $1.66 billion, most of which came from students' payments. FNS estimated that, for fiscal year 1973, these contributions would total $1.76 billion.

CHAPTER 2

MAKING NUTRITIOUS LUNCHES AVAILABLE TO ALL SCHOOL CHILDREN

FNS statistics show that participation in the school lunch program by both schools and students has increased in recent years. About 74,900 schools, with about 40 million students enrolled, participated in the program in fiscal year 1969 compared with about 82,900 schools, with about 45 million students enrolled, in fiscal year 1972. Some of the schools, however, had only limited programs because of inadequate facilities.

FNS statistics indicated that, between fiscal years 1969 and 1972, the average number of students participating in the program each day had increased from 20.7 million to 24.4 million and that the average number of students receiving free or reduced-price lunches each day had increased from 3.1 million to 7.9 million.

FNS estimated that in fiscal year 1973 the program would operate in about 84,600 schools, with about 46 million students enrolled, and that an average 27.5 million students would participate in the program each day with 8.4 million receiving lunches free or at reduced prices.

FNS statistics as of October 1971--early in the 1971-72 school year--indicated that about 24,900 eligible schools, with about 8.7 million students enrolled, were not participating in the school lunch program, including about 18,100 eligible schools, with about 5.5 million students enrolled, that did not have any type of food service.[1]

FNS identified as needy schools at least 4,400 of the 24,900 schools which were not participating in the school lunch program. These 4,400 schools had an enrollment of about 1.4 million.

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[1] FNS statistics as of September 30, 1972, indicated that about 23,900 eligible schools, with an enrollment of about 8.3 million, were not participating in the school lunch program, including about 17,700 eligible schools, with an enrollment of about 5 million, that did not have any type of food service.

To determine why schools were not participating in the school lunch program, we either sent questionnaires to or interviewed local and State school officials in four States. These officials represented most of the nonparticipating public and private schools in the four States. In a fifth State, we reviewed the responses to questionnaires sent by the State during the 1971-72 school year to its nonparticipating public and private schools. In all six States included in our review, we also discussed with State and local school district officials the reasons for their schools' nonparticipation or limited participation.

The information we obtained showed that:

--Some schools chose not to participate because (1) their officials were not interested in participating, (2) their officals preferred to operate their own lunch programs, or (3) local conditions were such that they did not want to participate.

--Some schools did not participate because they did not have the buildings and equipment necessary for preparing and serving food. Some of these schools said they lacked the local funds needed to acquire such buildings and equipment.

--Some schools were participating in the program but had only limited facilities and could not serve lunches to all of their students.

Also, the State agencies and the FNS regional offices were not effective in carrying out their responsibilities for extending the program to nonparticipating schools, especially to private schools.

SCHOOLS CHOOSING NOT TO PARTICIPATE

The information we gathered indicated that some schools simply were not interested in participating. Some of the schools choosing not to participate served meals to students under their own programs. School officials indicated that they were not interested in participating in the Federal school lunch program due to its basic requirements that

(1) lunches contain the basic components--meat or other protein-type food as a main dish, vegetables or fruits, bread or a similar product, butter or margarine, and milk--required by the Secretary of Agriculture's guidelines, (2) free or reduced-price lunches be provided to needy students, and (3) the program operate on a nonprofit basis.

In one State, officials of 32 schools stated that they chose not to participate in the program rather than serve the required lunches or operate nonprofit programs. In another State, officials of three schools said that they did not want to go to the administrative expense of operating free- or reduced-price-lunch programs.

Officials of other schools, some of which had no food-serving facilities, said that they did not want to participate or to acquire facilities due to special local conditions Some of the conditions were:

--The school district and/or school was too small for a lunch program to be operated economically.

--The school was scheduled to be closed in the near future or had inadequate facilities and equipment with which to conduct a food service program.

--Students lived close to the school and could go home for lunch.

--A court order was pending to consolidate districts because of small enrollments or racial imbalances.

--The school required special food preparation for religious reasons.

--The school did not accept public funds.

SCHOOLS WITHOUT FOOD SERVICE BUILDINGS AND EQUIPMENT

In replying to the questionnaires, needy and nonneedy nonparticipating schools in the five States said that they did not have buildings and equipment for preparing and serving food. Although some schools indicated that they had local funds to acquire the necessary buildings and to purchase equipment, many other schools reported that they did not have the needed local funds.

Under the nonfood assistance program, Federal funds are available to reimburse needy schools for up to 75 percent of the cost of equipment purchased or rented to establish, maintain, and expand school food service programs. However, nonfood assistance is not authorized for acquiring new buildings or for expanding existing buildings nor is it authorized for nonneedy schools. Public Law 92-433 permits the 25-percent matching requirement to be waived for schools without food service that are determined by a State to be especially needy.

In one State, responses from 152 public and private nonparticipating schools indicated that 93 schools were not participating because they did not have the necessary buildings and equipment. Of these 93 schools, 90 stated that they did not have the needed local funds. Another 36 of the 152 schools responded that they had sufficient local funds and were planning to participate within the next 1 to 3 years. The remaining 23 schools cited various other reasons for their nonparticipation.

The local funds problem confronting some schools is illustrated by the information obtained from 68 of the 90 schools not participating because they did not have the needed local funds. The total funds required for buildings and equipment for these 68 schools, representing 8 public school districts and 2 private schools, was estimated by the schools or school districts at $2.5 million. At least 50 percent of that amount was for buildings and would have to be paid entirely with local funds. Furthermore, the low percentage of needy students reported by about 65 percent of the schools indicated that the schools might not be eligible for the 75-percent Federal assistance for purchasing equipment, in which case the schools would have to pay the entire cost of the equipment.

In another State, responses from school districts representing 824 nonparticipating schools disclosed that 354 were not participating because they lacked the necessary buildings and equipment. Of these 354 schools, 198 stated that they did not have the needed local funds.

SCHOOLS WITH INADEQUATE FACILITIES

In three States, inadequate facilities in some participating schools resulted in the schools' limiting the number of students who could participate in the school lunch program. These quotas prevented both nonneedy and needy students from participating in the program.

In one State, a school district with 48 schools allowed only the students who were bused to school to participate because facilities were not adequate to feed all the students. About 2,800 of the total school district enrollment of about 15,900 were bused, including 2,150 of the total 3,150 students who were considered needy. Therefore about 13,100 students, including about 1,000 who were considered needy, had been excluded from participating.

In one school district in another State, a school provided lunches for its own students and for students of six needy schools. Although the kitchen capacity at the school preparing the lunches had been expanded by about 50 percent, its limited capacity restricted participation at the six other schools. At four of the schools, only the needy students were provided with lunches. At the two other schools, not all the needy students were provided with lunches.

The principal of the school preparing the lunches told us that, if student participation at his school increased he would have to further reduce the number of lunches sent to the six other schools.

EFFORTS TO EXTEND PROGRAM TO ALL SCHOOLS

The State plan for child nutrition operations, which each State agency must submit annually to FNS, is to include a description of the manner in which the State proposes to extend the school lunch program to every school in the State. Where a State is prohibited from administering aid programs to private schools, the responsibility for extending the program to the private schools rests with the FNS regional office.

The nonparticipating schools toward which such efforts are to be directed are referred to by FNS as "no program" schools and include both (1) schools which conduct their own lunch programs and (2) schools which do not have the buildings and equipment for preparing and serving lunches and which generally require nonfood assistance to enable them to participate in the program.

Our review disclosed that State agencies were not effective in extending the program to all schools in their States, particularly to schools requiring nonfood assistance for the necessary buildings and equipment. For example, one State agency had approved requests for nonfood assistance on a first-come-first-served basis without identifying the relative needs of individual schools. Another State agency had not surveyed its schools to identify those needing nonfood assistance and to inform them about the availability of such assistance.

Also the Department's Office of the Inspector General (OIG), which reviewed FNS regional office operations between May 1971 and March 1972, reported that some FNS regional offices had made only limited efforts to extend the school lunch program to private schools. OIG reported that the fiscal year 1972 plan of one regional office, which called for actively recruiting nonparticipating private schools and taking a poll of such schools to determine whether they had food service, had not been carried out as of December 1971. OIG had found that the regional office had primarily followed up on inquiries initiated by interested private schools. Regional office officials told OIG that they had been unable to carry out that phase of the plan because of more pressing problems and their increased workloads.

In another regional office OIG noted inconsistent past efforts to extend the school lunch program. OIG found that, of 416 nonparticipating private schools in a 3-State area in that region, 268 had not been visited by the regional office. OIG noted that the regional office had sent a memorandum explaining the program to some of those schools in March 1971 but that the office had not recorded the schools contacted or the results achieved. OIG reported that, of the 148 schools the regional office visited, 107 were visited before fiscal year 1970 (there were no records of visits in fiscal year 1970) and only 41 were visited in fiscal year 1971.

OIG recommended that both regional offices initiate plans of action outlining steps to be taken to offer the program to all eligible private schools. FNS officials subsequently advised us that all five FNS regional offices had adopted formal outreach action plans.

To effectively extend the program to all schools, FNS and the States need accurate data on the schools which need assistance and the extent of their needs. To identify schools without food service, FNS conducted several surveys and sent questionnaires to the States. The State agencies were to collect and summarize the data and forward it to FNS. However, the agencies did not accurately prepare the questionnaires and only roughly estimated the number of schools without food service.

For example, the FNS survey, which showed that about 18,500 schools did not have food service as of October 1971, did not disclose whether such schools lacked the facilities for preparing and serving food. Moreover, our test of the accuracy of four States' data indicated that the reported number of schools without food service was not reliable. In some States, the State educational agencies did not have sufficient information available to prepare accurate surveys. In one State, all schools not participating in the school lunch program were assumed to be without food service. In another State, a certain percentage of the nonparticipating schools was assumed to be without food service.

Our discussions with State officials indicated that efforts to identify the needs of nonparticipating schools and to extend the program to these schools had been hampered by several factors. These officials stated that the shortage of administrative staff in relation to the increased scope of child-feeding programs had affected their efforts to extend the program. They also cited their difficulty in obtaining information from nonparticipating schools. One State official stated that, due to the uncertainty of funding in past years, promotional efforts had been limited to large school districts and to schools which had expressed specific interest in the program.

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FNS officials generally concurred with our observations. They stated that the Department was aware of the need to bring no-program schools into the program and that FNS had several efforts to deal with this problem underway. They referred specifically to the report on no-program schools issued by the National Advisory Council on Child Nutrition in January 1972. This report recommended, among other things, that the Department concentrate on extending the program so that all schools needing lunch programs would be participating within 3 years. FNS officials said that they concurred in this recommendation and that their goal was to bring 5,000 no-program schools into the program during the 1972-73 school year.

Regarding schools which did not participate due to the lack of facilities, FNS officials expressed the view that sufficient Federal resources were available to schools which really wanted lunch programs. They said that in many cases the lack of facilities could be overcome by alternative feeding methods, such as catered lunches prepared by other schools or by commercial outlets. They also stated that the program was sufficiently flexible to permit participation by schools requiring special food preparation.

FNS officials pointed out that, since enactment of Public Law 91-248, State agencies and FNS had concerned themselves with implementing the free- and reduced-price-lunch policy at schools already in the program and that therefore their efforts to extend the program to all schools had been limited. FNS officials also stated that, although the scope of child nutrition programs had increased tremendously in the past several years, administrative staffs at the State agencies and at the FNS regional offices had remained relatively small.

CONCLUSIONS

The schools that did not offer their students any lunch programs had a number of reasons for this situation. Although some of the reasons were based on local preference or on special local conditions not susceptible to Federal persuasion, other reasons cited, such as the lack of interest or the lack of facilities for preparing and serving food, evidenced problems that could be resolved. To resolve these problems, FNS needs better data on the number of schools not participating in the program and their reasons. Such data would help FNS to determine what assistance or changes in administrative policies or legislation may be needed to enable the schools to participate.

RECOMMENDATIONS TO THE SECRETARY OF AGRICULTURE

We recommend that, to help achieve the objective of making nutritious lunches available to all school children, the Administrator, FNS:

--Make the studies necessary to obtain accurate information on the number and needs of schools not participating in the program and, if it is decided that the schools should be participating, determine whether changes in existing administrative policies or practices or in legislation are necessary.

--Direct the FNS regional offices to work more closely with the States in contacting nonparticipating schools and, where applicable, to contact nonparticipating schools directly, to convince them of the importance of providing nutritious meals to their students and to advise them of the types of assistance available under the school lunch program. Such promotional efforts could be especially effective in encouraging the participation of those schools whose reasons for not participating may be other than the lack of local funds.

AGENCY COMMENTS

The Department advised us by letter dated January 19, 1973 (see app. III), that it generally agreed with our conclusions and recommendations and found them to be consistent with its experience in administering the program.

The Department said that:

--FNS was annually updating inventory data on no-program schools.

--FNS personnel were developing the methodology and reporting forms to be used in the survey on unmet needs for equipment in schools eligible for assistance. The results of the survey would be reported to the Congress, as required by section 6(e) of Public Law 92-433.

--Although committed to reaching schools which offer no food services and those which provide food services but which do not participate in the Federal program, FNS's primary efforts were being directed toward the first type.

--A nationwide drive involving State, regional, and Washington personnel had begun in August 1972; the five FNS regions had adopted formal outreach plans; and FNS and State personnel were holding meetings and workshops and initiating mass mailings to the nonparticipating school officials, in line with the commitment to bring 5,000 additional schools into the program in the 1972-73 school year and to reach as many schools as possible within 3 years.

--Concentrated efforts were being emphasized in 11 States where the numbers of schools and students without food services in public and private schools were particularly high. Top priority had been assigned to establishing programs in title I schools.[1]

--In some cases FNS regional personnel were directly conducting the outreach effort to assist State agencies that did not have sufficient personnel.

--Each regional administrator submitted a detailed monthly report showing the status of new programs established and schools' reasons for refusing to participate.

--As schools having no facilities for preparing and serving food were identified, they were being provided with a brochure illustrating alternative methods of providing adequate school lunches.

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[1] Title I schools are schools receiving funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a) which authorizes Federal financial assistance for programs designed to meet the special educational needs of educationally deprived children living in areas having high concentrations of children from low-income families.

We believe the actions that FNS has taken or planned should help it more fully achieve the program objective of making nutritious lunches available to all school children.

CHAPTER 3

PROVIDING FREE OR REDUCED-PRICE LUNCHES TO ALL NEEDY SCHOOL CHILDREN

In recent years the number of students eating free or reduced-price lunches has increased significantly. In April 1970, before the passage of Public Law 91-248 which clarified responsibilities for providing such lunches, about 5 million students, nationwide, were eating free or reduced-price lunches.

FNS statistics showed that as of April 1972 the number had increased to about 8.1 million students, about a 60-percent increase in 2 years. However, an FNS survey as of March 1972 disclosed that about 9.6 million needy students were attending participating schools. Therefore about 1.5 million still were not eating free or reduced-price lunches.

To determine why, we identified 183 needy students at 20 of the 26 schools we visited during the 1971-72 school year who were not eating free or reduced-price lunches and interviewed them or members of their families. The average daily attendance in the 20 schools was about 21,000 students, of whom about 5,300 were eating free or reduced-price lunches. We were unable to determine the percent of needy students eating lunches free or at reduced prices because valid information on the total number of needy students in these schools was not available.

Of those 183 persons interviewed, 75 stated that they did not want to participate, or that they did not want the students to participate, for personal reasons, such as pride and student preference not to eat the school lunches.

The other 108 persons interviewed stated that they wanted to eat, or wanted the students to eat, the school lunches free or at reduced prices, but that, for various reasons, they were not participating.

We found that certain administrative practices at some of the schools we visited during the 1971-72 school year did not comply with FNS regulations. OIG found similar practices in its review of the administration of the free- and reduced-price-lunch policies in other schools during the 1971-72 school year.

The reasons cited by those who did not want to participate and the administrative practices which affected participation by needy students are discussed below.

REASONS CITED BY THOSE WHO DID NOT WANT TO PARTICIPATE

Our interviews with the 75 persons who did not want to participate in the school lunch program or who did not want the students to participate indicated that their reasons generally were personal. Most of the reasons could be classified into two categories: (1) parent or student pride and (2) student preference not to eat, or student dislike of, the school lunches. Other reasons included:

--The parent preferred the student to eat lunch at home because the parent could prepare a better lunch.

--The student lived close to the school and could go home for lunch.

--The student was on a diet.

--The student needed special food for health reasons.

--The student could not eat certain foods because of religious belief.

Some persons we interviewed said that the students preferred the a la carte service available to them. With a la carte service, a student can select a lunch from a variety of food items rather than be served a lunch meeting the Secretary's guidelines, commonly known as a type A lunch. A number of nonneedy students also cited this preference as their reason for not participating in the school lunch program.

The following example shows the significance of this preference.

--In a needy secondary school, which had converted its lunch program from a la carte service to a type A lunch during the 1970-71 school year, general participation fell from an average 850 students daily during the 1968-69 school year to about 630 students daily in December 1971. The principal of this school told us that he considered this drop in participation remarkable because, under a la carte service, no free or reduced-price lunches had been served and that about 75 percent of the students were eligible for free or reduced-price lunches under the type A lunch program. He said that, when the type A lunches were served, students had no choice of what they could eat and lost interest in the lunches.

ADMINISTRATIVE PRACTICES AFFECTING NEEDY STUDENTS' PARTICIPATION

At 15 of the 20 schools where we held our interviews during the 1971-72 school year, certain administrative practices did not comply with FNS regulations for free and reduced-price lunches. At seven of these schools, these practices appeared to be related to some of the reasons cited for nonparticipation by those interviewed. We found similar practices at six other schools which we visited during the 1971-72 school year but at which we did not interview students or members of their families.

The regulations require that:

--A notice be distributed to all parents of children attending schools participating in the school lunch program to advise them about the free- and reduced-price-lunch program. This notice is to be accompanied by an application form for free or reduced-price lunches. If eligibility standards change during the school year, the same notification procedures are to be followed.

--The food authorities of schools participating in the lunch program insure that students receiving free or reduced-price lunches are not overtly identified by the use of special tokens or tickets or by any other means.

Required application forms for free and reduced-price lunches not sent

Of the 26 schools we visited during the 1971-72 school year, 8(1) had not sent application forms for free or reduced-price lunches at the beginning of the school year to

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[1] The eight schools not sending application forms at the beginning of the school year were Mayfair Elementary, Irwin Junior High, and Theodore Roosevelt High in Fresno, California; Peter H. Burnett Junior High and San Jose High in San Jose, California; Douglass Elementary in Kansas City, Kansas; and Harris Elementary and Northeastern High in Detroit, Michigan.

students' families and 7,(1) including 2 of the 8, had not sent application forms after eligibility standards changed during the school year. In one school district a school sent notices to the families about the school lunch program but, contrary to FNS regulations and the school district's approved free- and reduced-price-lunch policy, did not include application forms. Some parents told us that they could not, or would not, go to the school to complete the applications. As a result, their children were not eating the free or reduced-price lunches.

Officials of this school district told us that the application forms had not been sent to the families because the officials considered it a waste of money to send forms to every home in the district. School officials in another district told us that they had not distributed applications to everyone because the district had not provided enough forms.

In commenting on the practice of not sending application forms to all families, district officials stated that corrective action had been or would be taken.

Identity of students receiving free or reduced-price lunches not protected

In 20(2) of the 26 schools we visited during the 1971-72 school year, procedures used to account for the

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[1] The seven schools not sending application forms after eligibility standards changed were Fitzgerald Elementary, Harris Elementary, Moore Elementary, Scripps Elementary, Condon Junior High, Spain Junior High, and Northeastern High in Detroit.

[2] The 20 schools were Irwin Junior High and Theodore Roosevelt High in Fresno; Washington Elementary, Peter H. Burnett Junior High, and San Jose High in San Jose; Douglass Elementary in Kansas City; Horace Mann Elementary and East High in Wichita, Kansas; Fitzgerald Elementary, Harris Elementary, Moore Elementary, Preston Elementary, Scripps Elementary, Condon Junior High, Spain Junior High, and Northeastern High in Detroit; Kelly Elementary, Poe Junior High, and Rhodes Junior High in San Antonio, Texas; and Lincoln Street Elementary in Texarkana, Texas.

number of free and reduced-price lunches served resulted in the overt identification of needy students. We were told in 14 interviews that students did not want to take the school lunches free or at reduced prices because of their reluctance to be identified as needy. Some of the procedures were:

--Nonneedy students paid in the lunchroom, but needy students were recognized and not charged by the cashier, used lunch tickets, or called out assigned numbers as they passed through the lunch lines.

--Nonneedy students paid at the teacher's desk, while needy students remained seated.

Local school and school district officials commented on the difficulty of protecting the anonymity of needy students. Some officials expressed a reluctance to devise a more sophisticated system to protect anonymity because of the time and expense involved. They also said that students discussed this matter among themselves and therefore knew who were receiving free lunches.

The school districts advised us, however, that efforts had been or were being made to develop procedures that protect the anonymity of needy students.

OIG REVIEW OF IMPLEMENTATION OF FREE- AND REDUCED-PRICE-LUNCH PROGRAM

OIG issued a report in May 1972 on its review of the manner in which the free- and reduced-price-lunch program had been implemented during the 1971-72 school year by 5 FNS regional offices and by educational agencies and school districts in 13 States and the District of Columbia. OIG's report recognized the increase in the number of needy children benefiting from the school lunch program but noted that administrative weaknesses still existed that would impede further progress. OIG reported the following as the more significant weaknesses in the implementation of the free- and reduced-price-lunch program.

--School district officials did not always comply with all the procedures agreed to in their approved free- and reduced-price-lunch policy statements.

--In many instances, publicity and literature on free lunches were not promptly distributed to local news media, applications for free lunches were not promptly disseminated to parents, and approvals of free-lunch requests were not promptly processed by school officials.

--The anonymity of students approved for free and reduced-price lunches was not protected in 50, or about 40 percent, of the 132 school districts audited. Some needy students had to work for their meals; some were required to use a medium of exchange, such as a voucher, which differed from that used by paying students; and some had to use identification cards which clearly indicated their status as free-lunch recipients.

--Because trained personnel were lacking and because other responsibilities were emphasized, FNS regional office and State agency administrative analyses and reviews of State agency and school operations, respectively, were not of sufficient depth or scope to determine the extent of, or reason for, significant program shortcomings.

--FNS estimates of the number of needy students were largely based on unsupported data submitted by State agencies.

OIG recommended, among other things, that the Administrator, FNS:

--Reemphasize to FNS regional office and State agency personnel their specific areas of responsibility under the program, including the necessary followup on implementation of policy statements and prompt corrective action on problem areas.

--Strongly encourage schools to continue to publicize the availability of free and reduced-price lunches. Effective followup should be required, especially in those schools where participation is below the estimated potential need.

--Reemphasize that FNS regional office and State agency reviewers need to concentrate on covering schools' implementation of, and success in complying with, free- and reduced-price-lunch policies.

--Assist the FNS regional offices, State agencies, and school officials to obtain sound statistics of each school's need to provide free and reduced-price lunches within its geographic area.

--Renew efforts to have schools develop systems that adequately protect the anonymity of students approved for free and reduced-price lunches. Acceptable methods should be publicized and followup should be effected to insure proper implementation.

The FNS Administrator advised OIG by letted dated August 10, 1972, that FNS generally agreed with OIG's findings and recommendations. He stated that the FNS regional offices and State agencies had been advised of the deficiencies noted by OIG and of the action to be taken to correct them. He stated also that he intended to provide the necessary vigorous followup on the proposed corrections to insure improved performance at all levels in line with the purposes of, and regulations for, child-feeding programs.

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FNS officials generally agreed with our observations and commented that:

--The information we obtained during our interviews was very interesting and worthwhile because this was the first effort they were aware of to obtain information and views on the program from prospective recipients.

--There was sufficient program flexibility to permit substitution of foods if students did not like the food served.

--A distinction should be made between overtly identifying needy students and protecting their anonymity.

Since FNS and the schools could never completely protect the anonymity of needy students, their main concern was to satisfy themselves that the procedures used by the schools did not result in overt identification. Their role was to identify collection procedures used by schools that were successful in protecting the anonymity of needy students and to disseminate this information to the States and other schools.

CONCLUSIONS

Although free or reduced-price lunches have been made available to an increasing number of needy students, our findings, together with OIG's findings, have shown several obstacles to accomplishing the objective of reaching all needy school children. The principal obstacles are:

--Schools' adoption of practices in administering the free- and reduced-price-lunch policy that do not comply with FNS regulations.

--Needy families' refusal to have their children accept the school lunches free or at reduced prices.

--The inadequate coverage by FNS regional office and State agency reviewers of the schools' implementation of, and success in complying with, free- and reduced-price-lunch policies.

We believe that OIG's recommendations to FNS for improving the implementation of free- and reduced-price-lunch policies and the actions taken or planned by FNS should help overcome the obstacles discussed above; therefore we are not making any recommendations on this aspect of the program.

AGENCY COMMENTS

In its comments the Department stated that the increase in the number of free and reduced-price lunches served since the May 1970 law changed the requirements for such lunches was due to FNS's determined efforts and to the cooperation of State agency and local school personnel. The Department pointed out that these efforts had been somewhat hampered and at times delayed because of the timing of legislative amendments and regulatory changes; however, the income guidelines for the 1972-73 school year were published in May 1972 and guidance on updating and implementing the free- and reduced-price-lunch policies was issued in mid-June to permit all schools to have approved policy statements at the beginning of the school year.

The Department further stated that FNS was continuing to direct corrective action on the program deficiencies disclosed by OIG and by administrative reviews; that FNS had reviewed all the State agency policies and the local school policies approved by the State agencies; and that FNS had visited selected school districts and individual schools in all States to insure that the policies were implemented in line with FNS regulations and Federal law.

CHAPTER 4

NEED TO OBTAIN BETTER INFORMATION ON COST PER LUNCH

To more effectively administer the school lunch program, FNS needs accurate financial information on the program's operation. FNS especially lacked such information for the cost of lunches. An accurate per-lunch cost would help not only to insure that the Federal reimbursements do not exceed the actual costs of lunches, as is required by existing legislation, but also to determine the extent to which especially needy schools are eligible for higher reimbursements allowed by the legislation.

Before fiscal year 1971, the Federal reimbursement rate for free school lunches generally was considerably lower than the schools' cost of providing such lunches.

With the fiscal year 1972 increase in the reimbursement rate for free lunches to 46 cents each--a rate which more nearly approximated the cost of providing the lunches--FNS needed more precise information on each school's reimbursable costs if it was to effectively administer the Federal reimbursement requirements. FNS, however, did not provide sufficient guidance to the schools on how to determine and report their costs. Schools were required to include costs for food, labor, and "other" on their claims for reimbursement, but no criteria were provided to identify what cost elements should be included in these broad categories.

Schools computed their costs in a variety of ways. Some schools included only the direct costs of food, labor, and supplies; others also included indirect costs. Some schools charged the costs of all food, labor, and supplies to the lunch program, although some of the costs were applicable to, and should have been charged to, other programs, such as the breakfast, special milk, and a la carte lunch programs. One school district covered in our review had significantly overstated its costs because it had included certain costs which pertained to the prior year's school lunch program.

Lunch costs reported by individual schools varied widely. For example, an FNS study as of December 1971 showed that the average per-lunch cost at private schools covered in the study ranged from 16 cents to 95 cents. An FNS official told us that, because many of the schools incurred costs of less than 46 cents per lunch, FNS might be forced to seek refunds. These refunds could prove financially detrimental to many schools. For example, the study showed that 85 of 93 schools in one FNS region had a per-lunch cost of less than 46 cents, including 50 which had an average per-lunch cost of less than 35 cents.

The American School Food Service Association compiled costs reported by school food service directors in 41 States as of March 1972. These per-lunch costs ranged from 49 cents to 91 cents and averaged 63 cents.

FNS has taken steps to provide additional clarification and guidance as to what costs should be reimbursable. An accounting manual designed by a firm of certified public accountants under contract with FNS was tested in a number of school districts from September through December 1972. In December 1972 FNS completed a survey of direct and indirect operating costs applicable to the program in several States, to determine the average cost of school lunches. FNS analyzed 1971-72 school year lunch costs, to identify any instances where reimbursements exceeded costs.

These efforts did not significantly help schools compute per-lunch costs because FNS did not identify what costs were to be included in the computations. After we pointed out this lack, FNS officials informed us that they recognized the need to define allowable costs and that they were preparing a policy statement on the matter.

A specific definition of allowable costs would enable FNS to determine whether the reimbursement rate is no greater than allowable costs but is sufficient to provide the incentive for States and schools to bring more needy students into the program.

RECOMMENDATION TO THE SECRETARY OF AGRICULTURE

We recommend that the Administrator, FNS, in developing the policy statement on per-lunch cost, specifically define the types of costs incurred by participating schools that are allowable for reimbursement.

AGENCY COMMENTS

In its comments the Department stated that the policy statement being developed would specifically define allowable reimbursement costs. The Department said that, although FNS had issued guidelines to its regional administrators for determining the cost of producing a type A lunch, the methods varied depending, in part, on the types of accounting systems used in the schools; many systems did not permit definitive determinations of the per-lunch cost of providing a type A lunch.

The Department further advised us that it anticipated that the new accounting handbook, which had been field tested, would uniformly define costs--both for accounting and for determining levels of Federal reimbursement.

CHAPTER 5

SCOPE OF REVIEW

We made our review at the Department of Agriculture headquarters in Washington, D.C.; at the State educational agencies in California, Indiana, Kansas, Kentucky, Michigan, and Texas; and at 13 selected school districts and 46 schools within those districts. (See app. I.)

We reviewed the administration of the school lunch program in Indiana and Kentucky primarily during the 1970-71 school year and in California, Kansas, Michigan, and Texas during the 1971-72 school year. Our review in Michigan was made primarily in Detroit to cover the program in a large northern industrial urban area.

We reviewed the applicable legislation and the policies, procedures, and program records of the Department, the six State educational agencies, and the selected school districts and schools. We also interviewed Federal, State, and local officials and obtained written comments from some school district officials. We reviewed selected reports issued by OIG on its reviews of the program.

At 20 of the 26 schools we visited during the 1971-72 school year, we identified 183 needy students who were not participating and interviewed them or members of their families.

APPENDIX I

STATE EDUCATIONAL AGENCIES, SCHOOL DISTRICTS, AND SCHOOLS VISITED DURING REVIEW

CALIFORNIA DEPARTMENT OF EDUCATION, SACRAMENTO, CALIFORNIA:

- Fresno City Unified School District:
  - Irwin Junior High
  - Mayfair Elementary
  - Theodore Roosevelt High

- San Jose Unified School District:
  - Peter H. Burnett Junior High
  - San Jose High
  - Washington Elementary

INDIANA DEPARTMENT OF PUBLIC INSTRUCTION, INDIANAPOLIS, INDIANA:

- Fort Wayne Community Schools:
  - Hillcrest School
  - Portage Junior High
  - Francis M. Price School
  - Willard Shambaugh School

- Indianapolis Public Schools:
  - School 27
  - School 74
  - School 83
  - School 21

- Richmond Community School Corporation:
  - Boston School
  - Hibberd Elementary and Junior High
  - Highland School
  - Test Junior High

KANSAS DEPARTMENT OF PUBLIC INSTRUCTION, TOPEKA, KANSAS:

- Unified School District No. 500, Kansas City:
  - Argentine High
  - Douglass Elementary
  - Northeast Junior High

APPENDIX I

Unified School District No. 259, Wichita:
  - East High
  - Horace Mann Junior High
  - Jefferson Elementary

KENTUCKY DEPARTMENT OF EDUCATION, FRANKFORT, KENTUCKY:

Louisville Independent School District:
  - Elizabeth Breckinridge Elementary
  - Cochran Elementary
  - Parkland Junior High

Owensboro Independent School District:
  - Estes Junior High
  - Lincoln Elementary

Perry County School District:
  - D.C. Combs Memorial High
  - Leatherwood Consolidated
  - M.C. Napier High

MICHIGAN DEPARTMENT OF EDUCATION, LANSING, MICHIGAN:

School District of the City of Detroit:
  - Condon Junior High
  - Fitzgerald Elementary
  - Harris Elementary
  - Moore Elementary
  - Northeastern High
  - Preston Elementary
  - Scripps Elementary
  - Spain Junior High

TEXAS EDUCATION AGENCY, AUSTIN, TEXAS:

San Antonio Independent School District:
  - Kelly Field Elementary
  - Poe Junior High
  - Rhodes Junior High

Texarkana Independent School District:
  - Lincoln Street Elementary
  - Pine Street Junior High
  - Texas High

FEDERAL ASSISTANCE TO STATES FOR CHILD-FEEDING PROGRAMS

Cash grants (note a)	1967	1968	1969	1970	1971	1972	1973 (note b)
	(millions)						
School lunches for all children	$147.7	$154.7	$161.2	$168.0	$225.8	$ 252.6	$ 340.0
Additional payments for free and reduced-price lunches	1.9	4.9	42.0	132.0	309.2	502.0	620.0
Special Milk Program	98.7	101.9	101.9	101.5	92.3	95.0	96.4
School breakfasts for needy children	.6	2.0	5.6	10.9	20.2	26.5	52.3
Nonfood assistance for needy schools (equipment)	.7	.7	10.2	16.7	37.1	17.8	16.1
State administrative expenses	-	-	.5	1.7	3.5	3.3	3.5
Nonschool food programs	-	-	3.2	7.3	21.0	42.6	74.0
Nutritional training and surveys	-	-	-	-	.7	.6	1.0
	249.6	264.2	324.6	438.1	709.8	940.4	1,203.3
Donated commodities (note c)							
Section 6	57.9	55.5	64.2	64.4	64.3	64.0	64.3
Section 32	51.0	100.1	100.5	133.3	127.8	112.4	86.5
Section 416	79.5	120.4	107.4	68.1	87.1	138.7	156.8
	188.4	276.0	272.1	265.8	279.2	315.1	307.6
	$438.0	$540.2	$596.7	$703.9	$989.0	$1,255.5	$1,510.9

[a] Represents obligations.

[b] Estimated.

[c] Represents estimated value of commodities distributed.

APPENDIX III

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE
WASHINGTON, D.C. 20250

January 19, 1973

Mr. Richard J. Woods
Assistant Director
Resources and Economic
 Development Division
United States General Accounting Office

Dear Mr. Woods:

We agree in general with the conclusions and recommendations contained in the draft of your Report to the Congress on Progress and Problems in Achieving Objectives of the School Lunch Program. We find them to be consistent with our own experience and findings in the administration of the program.

It is felt that our comments as included in the draft report accurately reflect our position at the time of the working-review meeting with your representatives and we wish to furnish the following comments concerning subsequent program developments.

With regard to the "no-program" schools we believe that a distinction must be made between schools which offer no food service at all and those which provide a food service, but do not participate in the Federal program. FNS is specifically committed to reaching both categories of "no-program" schools in its outreach efforts with primary efforts toward the former category. We are committed to an annual update of inventory data on no-program schools and are currently tabulating the results of the October 1972 survey from which final data will be available shortly.

A three-way simultaneous nationwide drive, involving a concentrated joint effort by Regional, State and Washington FNS personnel, to reach no-program schools was launched in August 1972. Formal outreach action plans have been adopted in each of the five regions and FNS and State personnel are conducting meetings and workshops and initiating mass mailings to the nonparticipating school officials, in line with our commitment to bring 5,000 additional schools into the program in 1972-73 and to reach as many as possible within three years. Concentrated outreach efforts are being emphasized in eleven selected States where numbers of schools and children without food service in public and private schools are particularly high, and top priority has been assigned to establishing programs in Title I schools. In some cases FNS regional personnel are assisting those State Agencies that do not have sufficient personnel by directly conducting the outreach effort within those States. The Regional Administrators forward a detailed monthly progress report to the Director of the Agency's Child Nutrition Division on the status of new programs established as well as the status of schools refusing to participate and reasons for the refusal.

In line with our comments on the lack of facilities and equipment, the agency has made available a brochure that illustrates various methods of providing an adequate school lunch to children enrolled in schools without in-house preparation and serving facilities. This brochure is being forwarded to appropriate nonparticipants as they are identified. Fiscal procedures have been instituted for the reservation and apportionment of 50 per centum of the appropriated nonfood assistance funds to assist needy schools without a food service as required by the recent amendment of Section 5 of the Child Nutrition Act. Also, agency personnel are deeply involved with developing the methodology and reporting forms for the survey among the States and school districts on unmet needs for equipment in schools eligible for assistance. The results of the survey, to be conducted this spring, will be reported to the Congress as required by Section 6(e) of Public Law 92-433.

Since the major changes in the free and reduced price meal requirements were enacted into law in May 1970 the daily service of free and reduced price lunches has been increased from 3.1 million in FY 1969 to 8.3 million in November 1972 through the agency's determined efforts with the cooperative, intensive actions of the State Agency and local school food authority personnel. The efforts have been somewhat hampered and at times delayed due to the timing of legislative amendments directly affecting the program and the promulgation of regulatory changes. The Secretary's income poverty guidelines applicable to the current school year were published in May, and guidance on the updating and implementation of the free and reduced price policies was issued in mid-June to permit all schools to have effective, approved policy statements at the beginning of the academic year. The Agency is continuing its determined efforts to direct general and specific corrective action on the program deficiencies disclosed in the OIG audit report, as well as those disclosed in our administrative on-site visits and reviews. We have also issued guidance on the policy changes required by enactment of Public Law 92-433. We have closely reviewed all of the State Agency policies, and as part of this year's administrative analyses, FNS personnel have reviewed the local school food authorities' policies as approved in the State Agency offices. Also, on-site visits have been made to selected school districts and to individual schools in all States for a first hand review of local administration of the policies, and to assure that they are implemented in line with the Department's regulations and Federal law.

APPENDIX III

Concerning the adequacy of per-meal lunch cost data, in addition to the policy statement currently being developed which will specifically define allowable reimbursement costs, the agency issued guidelines on June 8 to the Regional Administrators for determining the cost of producing a Type A lunch. The methods vary depending, in part, upon the type of accounting systems used in the schools. Many systems currently followed do not permit definitive determinations on the per-lunch cost of providing a Type A lunch. In addition, we anticipate that the new accounting handbook, which has undergone field testing, will achieve a uniform definition of costs--in both the accounting sense and for determining levels of Federal reimbursement.

With consideration of these additional comments we feel that your report realistically summarizes the current status of the program.

Sincerely,

Edward J. Hekman
Administrator

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF AGRICULTURE RESPONSIBLE FOR ADMINISTRATION OF ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
SECRETARY OF AGRICULTURE:		
Earl L. Butz	Dec. 1971	Present
Clifford M. Hardin	Jan. 1969	Nov. 1971
ASSISTANT SECRETARY, MARKETING AND CONSUMER SERVICES:		
Clayton Yeutter	Jan. 1973	Present
Richard E. Lyng	Mar. 1969	Jan. 1973
ADMINISTRATOR, FOOD AND NUTRITION SERVICE:		
Edward J. Hekman	Sept. 1969	Present

With respect to the service of free and reduced-priced meals, GAO contended that a number of local school districts were discriminating against students who were eligible for these meals by identifying them as eligible recipients, which practice is contrary to the law. OK, what changes is the Department contemplating in the administration of the program in light of this finding of GAO?

Dr. Yeutter. I think I should refer that one to Mr. Rorex or Mr. Hekman since they are more directly involved.

Mr. Rorex. Mr. Chairman, the report you referred to by GAO actually arrived in the Department late Monday afternoon. You correctly quoted their findings. Their finding was back during the early days of the implementation of the mandated free and reduced-price lunch requirements under the Secretary's poverty guidelines. We did have difficulty getting the paperwork done and getting full cooperation across the country in the implementation of those policies.

We feel that currently the number of children receiving free and reduced-price lunches demonstrates that the local and State authorities are doing a much better job.

Chairman Perkins. You feel presently that they are not identifying them at the local level? You feel, your directives and regulations are complying with the law and this situation is not taking place in the——

Mr. Rorex. We feel the information and advice from counsel released from the Department in the form of regulations and instructions and the followthrough on the part of the States has been universally improved since the initial year under the mandated guidelines for free and reduced-price lunches. It is true we are having a difficult time of developing a system that will protect the anonymity of the free lunch children as they go through the cafeteria but protecting the anonymity of the child is certainly different than overt discrimination against that child by calling names, using special tags, special lines, and special hours. But local school authorities and the State staffs are working diligently to improve this performance.

Chairman Perkins. The GAO report has also found that the regional offices of your Department are not doing an adequate job of encouraging the 24,000 schools in the country which are not participating in the school lunch program to begin such participation.

Do you agree with that finding, and if it is true, how are you going to correct it?

Mr. Rorex. I would agree at the time of the audit, Mr. Chairman, that the regional offices were having the same problems of getting cranked up and getting organized and following through with the private schools that they administer directly in those States where the State departments of education are prohibited from dealing with nonpublic schools. But here again the regional offices and the States are OK since the audit was conducted——

Chairman Perkins. You contend that you have made progress in connection with the questions I have propounded since this audit was taken?

Mr. Rorex. Yes, I would contend we have made considerable progress.

Chairman Perkins. And you contend now that these situations are not the case at all, that if GAO went back, they would not find these situations. Is that correct?

Mr. Rorex. I would contend we have made considerable progress but there are some soft spots. We have enlisted the aid of other agencies in the Nation to help us interest local school authorities in making an affirmative desision to get into the school lunch program.

Chairman Perkins. But are you working on those soft spots now?

Mr. Rorex. Yes, sir.

Chairman Perkins. One further question. A major reason found by GAO for schools not participating in the school lunch program was the lack of adequate equipment and facilities. Yet the report found State officials making grants from the available equipment funds on the first-come, first-served basis without any real analysis of the applicant schools' need for such funds. What is the Department going to do to improve this situation?

Mr. Rorex. We are going to continue our efforts to enlist the support and cooperation of the State departments and the regional offices to clearly identify the needs of the schools and this is very much involved in the equipment survey that is currently underway about which we made the preliminary report to the Congress on June 30. As we complete this survey, we will be documenting more specifically the needs for equipment and the degree of need as between school districts for that equipment and we will have better working information.

Chairman Perkins. You have been reading in the papers considerably the last couple of days about the feed grains; that there is going to be a good supply produced this coming fall and summer when they are harvested.

Now, earlier this year the Congress enacted a special law providing for the distribution of cash payments to States for the purchase of commodities for the school lunch program.

Since the Department was unable, due to market conditions, to purchase the commodities nationally, H.R. 4974 would make that provision part of the permanent law. Do you anticipate a short fall in the purchase of commodities again during the next year?

Mr. Rorex. I believe I had better turn that question over to Dr. Yeutter.

Dr. Yeutter. The answer to that, Mr. Chairman, is unless the changes, the amendments to the farm bill do become law, as I outlined in my earlier testimony, there definitely will be a shortfall.

Chairman Perkins. Whether or not the amendments become law, the planting season is over and we are now in the harvesting season combining feed grains.

Dr. Yeutter. If the amendments become law, there will be no shortfall.

Chairman Perkins. Why do you say there will be no shortfall if the amendments become law?

Dr. Yeutter. Because the amendments are written in such a way to permit us to purchase whatever is necessary for these particular programs.

Chairman Perkins. But you are not considering the costs here, are you?

Dr. Yeutter. No, but we feel we can purchase the commodities more economically than can the individual local school district.

Chairman PERKINS. I feel you can likewise purchase the commodities more economically, but I cannot see when there is going to be a short supply. Down my way we have one of the largest railway yards in the whole country at Russell, in northeastern Kentucky, and they have converted the coal cars by the hundreds with canvas over them. In fact, they had some wrecks down there the other day at Kanova, W.Va. The wheat and barley were thrown in every direction beside the railway tracks and they were trying to get people to purchase it for nearly nothing. But, it just shows that this feed grain is in such great demand. I know that in Ohio and the Midwest, because of wet weather, there are hundreds of thousands of acres that were not planted this year, especially corn land.

With that situation existing and with all the difficulty you are going to experience in purchasing commodities, I cannot see how you can afford to oppose a 10-cent reimbursement rate in this legislation.

Dr. YEUTTER. With respect to the commodity issue particularly, I signed yesterday a crop report which was the long-awaited July 10 estimate of crops for this year and it was very optimistic, thank goodness. We are all delighted with that.

Chairman PERKINS. What crops did that include?

Dr. YEUTTER. It included virtually every crop, including corn. The estimate on corn was, projecting yields based upon 94 bushels per acre, 5.9 million bushels which was considerably higher than most people expected. Soy bean acreage is up 21 percent which is also considerably higher than most people expected.

Chairman PERKINS. But with all your bins empty in the country, even if you do have that bumper crop, you do not see the price coming down next year anywhere along the line, do you?

Dr. YEUTTER. There is nothing in this farm bill to bring the price down. I do believe that the market price levels will drop substantially when we reach the harvest season this fall, because we are now experiencing extremely high prices because of the supply situation being very short with the old crop supplies.

Chairman PERKINS. And the demand for overseas is just as great as ever. I do not see how you can tell us with the increased cost of everything—farm machinery, increased labor, everything that the farmer has to buy—that this crop next year is going to be cheaper.

Dr. YEUTTER. Well, now, a few months down the road, Mr. Chairman. I am a farmer, myself and even though by having the commodity exchange authority under my jurisdiction I cannot enter the futures market. If I could, I would be selling futures.

Chairman PERKINS. If the Congress provides for this 10 cent reimbursement rate to the local education agencies per child served, you would certainly not suggest a veto, would you?

Dr. YEUTTER. Well, Mr. Chairman, I have not considered that issue but I do feel that a 10 cent reimbursement rate is not justified.

Chairman PERKINS. I really feel it should be 12 cents.

Dr. YEUTTER. I would like to see State governments pick up a little greater share of the additional financial burden.

Chairman PERKINS. That is right. All the governments. In reviewing the statistics on the rate of participation, I notice there has been a decline in the number of paying students. Do you believe that this decline indicates that middle-class students are being forced out of the school lunch program because the local administrators have to increase the price of lunches in order to meet their expenses? I am still dwelling on this reimbursement rate.

Dr. **Yeutter**. That is a very complex question and there are many different points of view on that. I would like Mr. Hekman to comment, since he has been at this business many more years than I have.

Mr. **Hekman**. We are very conscious, Mr. Chairman, of the problem. We have a special program looking into participation especially in high schools and as Secretary Yeutter indicated, there are a great many reasons for this. But one of the principal reasons is frankly, a transfer from the paying to the free-based on the very substantially increased eligibility that has been written into the law. In other words, 25 percent above the poverty level for the free and an additional 50 for reduced price. So that has been the problem. There has been, our figures show, an increase in total participation so what we are really seeing to a very large extent is a switch.

Chairman **Perkins**. Now, it is my understanding that your Department has been conducting a study to analyze the difference in food service between schools with high rates of participation—over 90 percent of the students participating—and schools with low rates of participation—under 10 percent of the students participating.

In other words, what factors are present in schools with high participation, and what are the preliminary conclusions which you have drawn from that data, and when do you plan to release the study?

Mr. **Rorex**. It is correct, Mr. Chairman, that we have conducted this study over the past year. We will be releasing the report toward the end of this month. We are working on it right now. The basic findings of the report that leads to high participation outstandingly come down to these factors. One, you have quality food. In other words, good food service in the school. No. 2, you will have a dedicated and interested school staff that arranges for good scheduling time and eating lunch is a pleasant affair.

Conversely, on the other side, the low participation, it comes out that facilities and schedules and discipline and the socializing in the lunchroom are factors that definitely have an effect on the program. We believe that by trying some of the ideas that are successful in the high participation schools, with the help of State and local leadership, that we can turn around many of these situations. But one of the most difficult things that we have is the crowded conditions in many of these schools where children do not have time, absolutely do not have time in the schedule to stop and have a lunch. They eat on the run in many, many instances.

Mr. **Bell**. Wouldn't affluence of the school have something to do with it?

Dr. **Yeutter**. Very little actually. Our studies show affluence is not a factor that leads to low participation or high participation.

Chairman **Perkins**. One concluding question. I take it from your testimony, Doctor, that you support parts of H.R. 4974 and oppose other parts of H.R. 4974.

Dr. **Yeutter**. Yes, sir.

Chairman **Perkins**. Thank you very much.

Mr. Quie?

Mr. **Quie**. No questions.

Chairman **Perkins**. Mr. Bell?

Mr. **Bell**. Mr. Yeutter, we moved from 5 cents to 8 cents in school lunch programs last year.

Dr. **Yeutter**. Yes, sir.

Mr. **Bell**. What is going to be the cost to move from 8 cents to 10 cents or 12 cents as the chairman suggested but 10 cents preferably.

Dr. **Yeutter**. The change was from 6 to 8 last year actually. It was 5 to 6 the year before.

Mr. **Bell**. How much was that, 6 to 8. Do you have figures on that?

Dr. **Yeutter**. Jerry Boling has figures on that.

Mr. **Boling**. The increase would cost around $80 to $90 million.

Mr. **Bell**. Repeat that.

Mr. **Boling**. An increase of 2 cents would cost between $80 million and $90 million.

Mr. **Bell**. That would be the same or more this year, would it not?

Mr. **Boling**. Yes, sir.

Mr. **Bell**. You are guessing about $100 million?

Dr. **Yeutter**. About $90 million, on the high side. That assumes some projections in participation. But participation will not change significantly probably.

Mr. **Bell**. I was rather interested in your comments about affluence; about affluence of a school area would not influence the amount of lunches or meals consumed.

I would think that the children in the rather well-to-do areas would not participate so much as the children in the poverty areas. I do not understand why that would not be a factor.

Dr. **Yeutter**. I have not seen the preliminary conclusions from that, Mr. Bell, but that would not surprise me too much from my own observations of school systems. So many other factors become involved. The ethnic background of the people and the distances from schools and scheduling; things that were brought out by Mr. Rorex, and life style of the community. There are so many factors, life style of the kids in that community and so on.

Chairman **Perkins**. Mr. Lehman.

Mr. **Lehman**. My own experience as a school board member indicates we have the most built-in self-destructive school lunch program that I have ever seen. If you do not get help from the Federal Government, the only way you are going to make it is to raise prices for those who buy lunches which runs them out of the program. This leads to a self-destructive process. Unless you get help from the Federal Government, you will end up without a school lunch program. As far as raising it from 8 to 10 cents—the average cost of school lunches is 55 cents; if you give 2 cents support, that is a percent increase which does not even come close to covering the cost of the increases in handling of the school lunch programs.

Also, I know you folks got a letter on May 31 from this committee, asking you submit reports ahead of time to this committee in order that we may study them and that you sum up your statement. For the life of me—we have a tight schedule and I cannot see why the assistant secretary of the Department of Agriculture has to read a 10-page report when we could have gotten it ahead of time.

I think that is an imposition on this committee when you do things like that.

Dr. **Yeutter**. I would be glad to summarize any time. I would have preferred to summarize rather than read. I read only because I felt that you would wish it done that way. In the future, if it be the chairman's wishes, I would be glad to summarize. With respect to copies, they should have been available to you early yesterday, Mr. Lehman.

Mr. LEHMAN. I think it is important that we bring this issue to the people who come down here from the Federal agencies.

Dr. YEUTTER. Next time we will summarize.

Chairman PERKINS. Mr. Peyser.

Mr. PEYSER. Mr. Secretary, I am delighted to have you here this early in the morning. I am only going to ask one question which is in a slightly different area but is related to this whole question of nutrition for children.

I have introduced legislation, H.R. 8691, which would establish a consumer's nutritional education program. In the original setup of my bill, I had been thinking of having HEW administer this program.

One of the programs we have found in my district in the urban areas of New York City is the people's lack of knowledge of how to shop. The problem which is particularly evident in low-income areas, is that shoppers don't know what is of nutritional value and how they can get the most for their money.

One of the suggestions I have been considering is to make my program part of the chairman's bill, H.R. 4974. Do you have any comments on either the value of this type of program or how you think it could be handled by the Agriculture Department?

Dr. YEUTTER. There is no question but what that program could have a good deal of value. It is something the Government needs to be doing because the concerns you enunciate in the bill are evident in all our feeding programs. Much more so in the family feeding programs than in the school feeding programs.

The one question I would like to raise would be one of germaneness which would be one you would want to consider. Because this goes much beyond education for schoolchildren. We are really talking about educating all consumers or all families. So, perhaps it should not be in school-lunch legislation.

Mr. PEYSER. No you feel that the Agriculture Department at this point in time has the wherewithal and the background to effectively implement this type of a program if it were part of this legislation?

Dr. YEUTTER. I think it is really, Mr. Peyser, probably both for HEW and Agriculture. There are some areas which HEW should certainly carry some responsibility for. The traditional educational functions are really not an agricultural function. They are an HEW function. But the functions of consumer information and communications with consumer groups particularly with respect to programs we have under our jurisdiction are functions clearly within Agriculture's domain and in which we have substantial interest.

Mr. PEYSER. We have found in dealing with the Agriculture Department in the past months that there are several programs and booklets that you have available in this area that do not get to the public, however, even getting them to the public is not enough. There has to be some way of expanding on these booklets and explaining what is involved. My feeling is that we could be doing the public a real service that answers this great need. I have found that so many people are spending so much more money than they have to get decent diets—and I do not mean some concocted diet that is terrible but a really good diet—If consumers just knew what they were doing they would eat better for less money. This is the thrust of what I am going to be suggesting in the program.

Dr. YEUTTER. As I indicated earlier, Mr. Peyser, we are about to add to the staff at USDA a special assistant to the Secretary for Consumer Affairs which is a position I think has long been needed.

This particular position can be very helpful in this regard in working across all the agency boundaries within USDA on this type of function.

Chairman PERKINS. Mr. Quie.

Mr. QUIE. Thank you.

Welcome to our committee. I wish I could have been here earlier but I had to attend another meeting. I appreciate your testimony and I want to commend you on your belief that control of competitive foods is truly a matter of state and local action.

I am glad you have some faith in people in State and local school districts. I think there is a great deal more competence among them than some people want to give them credit for.

Dr. YEUTTER. I have a great deal of faith in them and I believe that they should pick up part of the tab for these programs.

Mr. QUIE. I agree with that, too. It is peculiar to think the Federal Government has to pick up the costs of the food for affluent individuals of this country. I agree with you that we ought to be helping those who should have free- or reduced-cost lunches because of their income. What percentage of those who should be receiving free- or reduced-cost lunches are we now providing for in the country?

Mr. BOLING. Studies recently show we are reaching about 85 percent.

[The information referred to follows:]

U.S. DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE

ESTIMATES OF NEEDY CHILDREN IN NATIONAL SCHOOL LUNCH PROGRAM SCHOOLS ELIGIBLE FOR AND REACHED WITH FREE OR REDUCED PRICE LUNCHES, MARCH 1973

Region and State	Number of children eligible	Number of children reached	Percent of eligible reached
Northeast:			
Connecticut	71,130	54,596	76.8
Delaware	22,313	19,564	87.7
District of Columbia	70,265	62,662	89.2
Maine	49,477	44,527	90.0
Maryland	168,002	152,362	90.7
Ma[illegible]	180,000	171,580	95.3
New Hampshire	37,116	15,162	40.9
New Jersey	225,163	124,268	55.2
New York	740,000	691,200	93.4
Pennsylvania	281,149	229,175	81.5
Rhode Island	56,130	30,778	54.8
Vermont	17,776	14,756	83.0
West Virginia	127,078	116,726	91.9
Regional total	2,045,599	1,727,356	84.4
Southeast:			
Alabama	320,534	291,353	90.0
Florida	340,000	338,455	99.5
Georgia	389,282	371,557	95.4
Kentucky	242,666	202,171	83.3
Mississippi	310,207	277,791	89.6
North Carolina	420,700	399,288	94.9
Puerto Rico	798,000	399,330	50.0
South Carolina	274,060	264,441	96.5
Tennessee	250,878	238,736	95.2
Virginia	275,262	245,651	89.2
Virgin Islands	25,940	21,999	82.1
Regional total	3,647,529	3,050,772	83.6

U.S. DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE—Continued

ESTIMATES OF NEEDY CHILDREN IN NATIONAL SCHOOL LUNCH PROGRAM SCHOOLS ELIGIBLE FOR AND REACHED WITH FREE OR REDUCED PRICE LUNCHES, MARCH 1973—Continued

Region and State	Number of children eligible	Number of children reached	Percent of eligible reached
Midwest:			
Illinois	420,608	355,612	84.5
Indiana	153,428	109,095	71.7
Iowa	100,103	75,321	75.2
Michigan	240,000	235,635	98.2
Minnesota	140,615	123,210	87.6
Missouri	186,981	163,419	87.4
Nebraska	48,584	37,176	76.5
North Dakota	31,887	22,620	70.9
Ohio	307,599	279,314	90.8
South Dakota	34,633	26,185	75.6
Wisconsin	103,708	93,949	9C.6
Regional total	1,768,146	1,521,536	86.1
Southwest:			
Arkansas	161,349	146,700	90.9
Colorado	87,290	61,880	70.9
Kansas	62,136	52,641	84.7
Louisiana	423,678	396,098	93.5
New Mexico	113,464	95,638	84.3
Oklahoma	139,304	111,287	79.9
Texas	702,095	644,412	91.8
Regional total	1,689,316	1,508,656	89.3
Western:			
Alaska	17,354	14,882	85.8
Arizona	111,350	68,848	62.4
California	839,927	683,975	81.4
Guam	5,115	4,760	93.1
Hawaii	26,005	19,681	75.7
Idaho	25,462	19,042	74.8
Montana	22,978	16,195	70.5
Nevada	11,805	9,048	76.6
Oregon	87,274	54,174	62.1
Samoa, American	8,640	7,956	92.1
Utah	32,486	25,440	78.3
Washington	113,125	91,459	80.8
Wyoming	10,200	7,634	74.8
Regional total	1,311,721	1,023,094	78.0
Grand total	10,462,311	8,831,414	84.4

Mr. QUIE. That is a commendable job.

I think that is the area we ought to be assisting and not increasing the amount of money for the affluent because they certainly can afford to pay for their lunches. Often it makes me wonder why it is that kids from affluent families do not like to eat the school lunch but would sooner brownbag it themselves. If the schools are close to their home and they have a long enough noon hour, some go home and eat lunch which is preferable to all. They get a little loving care at home.

Dr. YEUTTER. I agree.

In terms of national priorities, using Federal funds for affluent schoolchildren, certainly cannot rate very high on that list, particularly when inflation is such a severe problem in this country and we are attempting to cope with inflation to at least some degree by controlling Federal spending, to expend dollars on affluent schoolchildren does not make good sense in my judgment.

Mr. QUIE. I also noted that I believe the Council on Exceptional Children indicated the Federal Government funds are about 1½ percent of the cost of special education in this Nation.

We are only funding 1½ percent of special education and 60 percent of the handicapped receive no special education. I would put that at a higher priority than increasing Federal money to affluent families so that we can feed their kids.

Dr. YEUTTER. I certainly would, too. Even in terms of just feeding programs, we need to look at priorities of Federal dollars going into these kinds of programs versus Federal funds going into needy family programs and into programs for lactating women and babies of less than 1 year of age and so on which in terms of nutritional impact on a child for a lifetime that comes out to be a very high priority. We have very little money going into that kind of program.

Mr. QUIE. As far as nutrition education is concerned, I am struck by the interest that local schools put into consumer education, especially the home economics courses. A large number of future mothers and homemakers have really excellent training in homemaking and the use of the newest equipment as far as kitchens are concerned. The schools probably get the equipment from the appliance companies because they figure it is good advertising. If people get used to using a new refrigerator in school, they may demand it of their husband when they get married. That helps a little in the cost, but the Federal Government expends a sizable amount cf money in home economics which is earmarked for that purpose as well. I think we ought to take what HEW is doing into consideration in providing this type of education.

Dr. YEUTTER. Nutrition education is a subject that is of great appeal to everyone. It is a little like rural development. Everyone is for rural development and no one knows how to carry it out.

Nutrition education falls in the same category. Everyone thinks it is a good idea but no one knows what to do or how should they do it. That is one of our concerns in the discussion of nutrition education in this bill. It seems to me the Congress and the administration need to focus on this situation and after a very careful evaluation determine what ought to be done in nutrition education. It is doubtful we are ready to make that determination now. Once it is determined what needs to be done in nutrition education, then the question becomes who should do it.

It seems to me that State and local education agencies can and should play a major role in this.

Mr. QUIE. The chairman may have raised this before I came in. We passed a 1-year bill which provided that if you do not secure the commodities you substitute cash payments. You did make cash payments. What would you prefer now that you could do the planning before the school year begins, to buy the commodities on the market at the level you had in previous years or to make the cash payment as you did.

Dr. YEUTTER. Mr. Quie, we would rather buy the commodities on the market. We did discuss this briefly. I indicated that this particular amending legislation to increase our purchasing authority was pending in the farm bill and that you would probably be involved in the discussions on that subject today in the House.

Clearly we would prefer to purchase the commodities because that permits the retention of a surplus removal program. Even though that is not a necessity at this point in time, it is something it seems to me which is imperative we preserve if we move down the line because someday we may have agricultural surpluses again and it would behoove us to have this program available to deal with that. So long as we can purchase commodities at a lower cost than would be met if purchasing were done by a State and local educational agency, it is better for the taxpayers as a whole that we do it. We are all local, State, and Federal taxpayers. If, by using Federal funds, we can make commodity purchases and save taxpayers' money by doing so and at the same time provide quality commodities to the schools, we should continue that program.

Mr. QUIE. I am going to ask representatives of American School Food Service and other individuals from other school districts to come in, but it seems to me you do make a good point, that you undoubtedly could buy in volume and, therefore, make the money go further for the local schools if you provided the foods rather than the money.

I want to point out we need to provide you with the authority to purchase this food early enough because it was too late really to buy the food and get it out to the schools. Therefore, it was necessary to make the price payments in the last school year.

Dr. YEUTTER. It is imperative, we feel, that we deal with this problem. We understand the situation in which the schools find themselves in that regard. But if amendatory legislation is passed, we should have no difficulty in buying the necessary commodities in the upcoming school year.

Chairman PERKINS. Let me state that I concur in the previous questioning of the witness by Congressman Quie. I personally feel that it is much better for the Department to make these purchases and to preserve the purpose of section 32 to buy up surpluses.

Even though they are not available now, we will extend the authority. The only reason for giving the local educational agencies cash payments last spring was because the commodities were not available, and we would never have been able to deliver them to the local educational agencies unless we provided the cash payments to the local school districts.

Thank you very much, Doctor. We appreciate your testimony. Maybe we can get a meeting of the minds here by compromising back and forth. We will certainly do the best we can. At this point in the hearing, I would like to make a part of the record two recent court decisions which are of obvious importance to any consideration of school lunch legislation.

[The documents referred to follows:]

Archie BRIGGS et al., Plaintiffs, Appellants,

v.

John T. KERRIGAN et al., Defendants, Appellees.

Bonnie FAY et al., Plaintiffs, Appellants,

v.

Ray GAUTHIER et al., Defendants, Appellees.

Nos, 7518, 7542.

United States Court of Appeals, First Circuit, August 14, 1970.

Proceedings on respective motions for summary judgment in action wherein school lunch program as administered in two public school systems was alleged to violate both National School Lunch Act and United States Constitution. The

United States District Court for the District of Massachusetts, W. Arthur Garrity, Jr., J., 307 F. Supp. 295, rendered summary judgment for defendants, and plaintiffs appealed. The Court of Appeals held that classification of schools for distribution of funds on basis of whether schools could be served by existing kitchen facilities was reasonable and was not denial of equal protection in light of substantial additional expenditure required to provide new facilities and planned inclusion of kitchens and lunchrooms in new elementary schools.

Affirmed.

1. Federal Civil Procedure ⇨2462

Purpose of summary judgment is not to explore all factual ramifications of case, but to determine whether such exploration is necessary.

2. Federal Civil Procedure ⇨2544

When a motion for summary judgment has been properly made and supported, an adverse party must set forth specific facts showing that there is a genuine issue for trial. Fed. Rules Civ. Proc. rule 56(e), 28 U.S.C.A.

3. United States ⇨82

Under provision in National School Lunch Act requiring state officials to disperse funds to individual schools taking into account need and attendance, if school is unwilling or unable to participate because of lack of facilities, state officials are permitted to direct funds elsewhere and are not required to hold up lunch program in schools throughout state because a few relatively poor schools are unable to participate. National School Lunch Act, §§ 4, 8, 42 U.S.C.A. §§ 1753, 1757.

4. Constitutional Law ⇨211

Classification of schools, for distribution of school lunch program funds, on basis of whether schools could be served by existing kitchen facilities was reasonable and was not denial of equal protection in light of substantial additional expenditure required to provide new facilities and planned inclusion of kitchens and lunchrooms in new elementary schools. National School Lunch Act, §§ 4, 8, 42 U.S.C.A. §§ 1753, 1757; U.S.C.A. Const. Amend. 14.

5. Constitutional Law ⇨211

The Fourteenth Amendment does not require government either to attack a problem in its entirety or not at all. U.S.C.A. Const. Amend. 14.

Gershon Michael Ratner, Boston, Mass., and John Cratsley, Cambridge, Mass., with whom Nicola Smith, Mark Willis, and Stephen Rosenfield were on the brief, for appellants.

Raymond D. Battocchi, Atty., Dept. of Justice, with whom William D. Ruckelshaus, Asst. Atty. Gen., Herbert F. Travers, Jr., U.S. Atty., and Alan S. Rosenthal, Atty., Dept. of Justice, were on the brief, for Clifford Hardin, Secretary of Agriculture, and others, federal appellees.

Alan G. MacDonald, Deputy Asst. Atty. Gen., with whom Robert H. Quinn, Atty. Gen., was on the brief, for William G. Saltonstall, Chairman of the Board of Education of the Commonwealth of Massachusetts, and others, state appellees.

Edith W. Fine, Assistant Corporation Counsel for the City of Boston, for John T. Kerrigan, Chairman of the Boston School Committee, and others, city appellees.

Paul F. Hennessey, Asst. City Solicitor for the City of Somerville, for Ray Gauthier, Chairman of the Somerville School Committee, and others, city appellees.

Before ALDRICH, Chief Judge, McENTEE and COFFIN, Circuit Judges.

PER CURIAM.

These suits seek to enjoin the operation of the school lunch programs in the Boston and Somerville school systems on the grounds that these programs violate the National School Lunch Act, 42 U.S.C. § 1751 *et seq.*, and the Equal Protection Clause of the Fourteenth Amendment. The alleged violation consists of providing school lunches to some relatively affluent students while failing to provide such lunches to other, needier students. The district court granted summary judgment against plaintiffs in both cases. We affirm on the basis of the district court's careful opinion in *Briggs* v. *Kerrigan*, 307 F.Supp. 295 (D. Mass. 1969), adding only the following comments.

[1, 2] First, we think both cases were ripe for summary judgment. The undisputed evidence indicated that both Boston and Somerville provided lunches in all their high schools and junior high schools, but in only a few of their elementary

schools. School officials, by deposition, explained this discrepancy on the grounds that elementary schools, being generally older and smaller than high schools, lacked the necessary facilities for preparing meals. Since the National School Lunch Act makes only limited provisions for capital expense, *compare* 42 U.S.C. § 1759a *with* 7 C.F.R. § 210.6(b), providing additional facilities would require substantial expenditures of scarce local funds. Plaintiffs criticize aspects of this testimony as mere assertion and call for additional substantiation. However, the purpose of summary judgment is not to explore all the factual ramifications of the case, but to determine whether such exploration is necessary. When a motion for summary judgment has been properly made and supported, an adverse party must set forth specific facts showing that there is a genuine issue for trial. Fed. R. Civ. P. 56(e). This plaintiffs have failed to do.

[3] Second, we reject plantiffs' assertion that an absolute need priority must be read into the statute in order to give effect to the Congressional intent. The statutory provision on which plaintiffs primarily rely requires state officials to disburse funds to individual schools "taking into account need and attendance". 42 U.S.C. § 1757. In our view, this language is addressed to cases in which the limited federal funds available under 42 U.S.C. § 1753 are insufficient to satisfy all the requests for aid from schools willing and able to participate. If, however, a school is unwilling to participate or unable because of a lack of facilities, we think § 1757 permits state officials to direct funds elsewhere. Certainly, § 1757 does not require officials to hold up the lunch program in schools throughout the state because a few relatively poor schools are unable to participate.

[4, 5] Third, the district court's disposition of plaintiff's equal protection claim has, in our opinion, been confirmed by the subsequent decision of the Supreme Court in Dandridge v. Williams, 397 U.S. 471, 90 S.Ct. 1153, 25 L. Ed. 2d 491 (1970). In *Dandridge*, the Court reiterated the proper standard for assessing social welfare programs:

> "If the classification has some 'reasonable basis,' it does not offend the Constitution simply because the classification 'is not made with mathematical nicety or because in practice it results in some inequality.' Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61,78, 31 S.Ct. 337, 55 L. Ed. 369." 397 U.S. at 485, 90 S.Ct. at 1161.

Judged by this standard, the administration of the school lunch program in Boston and Somerville seems clearly valid. Schools are classified on the basis of whether or not they can be served by existing kitchen facilities. This classification is reasonable in the light of the substantial additional expenditure required to provide new facilities, especially since school officials in both cities have decided to include kitchens and lunchrooms in new elementary schools as they are constructed. Undoubtedly, classification on the basis of schools results in some inequality among children, but this inequality cannot be cured without additional taxation or diversion of school resources from other programs which may be equally important to the poor. These considerations illustrate the wisdom of the reminder in *Dandridge* that the Fourteenth Amendment does not require government either to attack a problem in its entirety or not at all. 397 U.S. at 486–487, 90 S.Ct. 1153.

Affirmed.

Archie BRIGGS et al., Plaintiffs,

v.

John T. KERRIGAN et al., Defendants.

Civ. A. No. 69–747.

United States District Court
D. Massachusetts, December 11, 1969.

Proceedings on respective motions for summary judgment in action wherein school lunch program as administered in Boston public school system was alleged to violate both the National School Lunch Act and the United States Constitution. The District Court, Garrity, J., held that provision of Act requiring state educational agencies to take into account "need and attendance" in determining eligibility for participation does not mean that agencies must select schools in areas of economic need before they may select any other schools. It was further held that decision of school authorities not to undertake immediate sizeable capital expenditures to provide cafeteria facilities in schools which were not participating in school lunch program or to build central kitchens and maintain trucking services to those schools so that lunches would be available to all that might need them, even in light of harshness of its results to some grammar school pupils, particularly the poorer, was not so unreasonable as to reach constitutional dimensions.

Motion of plaintiffs for summary judgment denied; cross motion of defendants for summary judgment granted.

1. United States 🔑82

Purpose of National School Lunch Act is to preserve health and well-being of nation's youth and to encourage domestic consumption of agricultural commodities. National School Lunch Act, § 1 et seq., 42 U.S.C.A. § 1751 et seq.

2. United States 🔑82

Provision of National School Lunch Act requiring state educational agencies to take into account "need and attendance" in determining eligibility for participation does not mean that agencies must select schools in areas of economic need before they may select any other schools. National School Lunch Act, § 8, 42 U.S.C.A. § 1757.

See publication Words and Phrases for other judicial constructions and definitions.

3. United States 🔑82

Word "schools," as found in provision of National School Lunch Act requiring that lunches served by schools participating in school lunch program be provided without cost or at a reduced cost to children who are unable to pay full cost of lunch, refers to individual attendance units which are already participating in program, rather than school systems or committees; thus, a school committee participating in program is not required under provision to make free or reduced lunches available to poor students attending nonparticipating schools. National School Lunch Act, § 9, 42 U.S.C.A. § 1758.

See publication Words and Phrases for other judicial constructions and definitions.

4. Constitutional Law 🔑211

Judicial inquiry under equal protection clause into areas of unequal treatment under the law demands a standard of classification which is neither arbitrary nor creative of invidious discrimination but reasonable when judged in light of objectives of legislation. U.S.C.A. Const. Amends. 5, 14.

5. United States 🔑82

De jure classification produced by administration of school lunch program in Boston was not such that a defined class of citizens had been singled out and invidiously discriminated against on a permanent basis, inasmuch as line drawn between students who would receive program's benefits and those who would not was neutral, depending solely on availability of facilities. National School Lunch Act, §§ 8, 9, U.S.C.A. §§ 1757, 1758.

6. United States 🔑82

Decision of school authorities in Boston not to undertake immediate sizeable capital expenditures to provide cafeteria facilities in schools which were not participating in school lunch program or to build central kitchens and maintain trucking services to those schools so that lunches would be available to all that might need them, even in light of harshness of its results to some grammar school pupils, particularly the poorer, was not so unreasonable as to reach constitutional dimensions. National School Lunch Act, §§ 8, 9, 42 U.S.C.A. §§ 1757, 1758.

7. Constitutional Law 🔑208(3)

It does not follow that state and federal programs affecting citizens unequally are all unconstitutional if some hypothetical appropriation of funds would produce equal benefits to all citizens.

Gershon Michael Ratner, Boston Legal Assistance Project, Boston, Mass., Stephen Rosenfeld, Lawyers Committee for Civil Rights Under Law, Boston, Mass., for plaintiffs.

James J. Marcellino, Asst. Atty. Gen., Boston, Mass., for Comm. of Mass., Dept. of Education.

Edith W. Fine, Boston, Mass., and Herbert F. Travers, Jr., U.S. Atty., William J. Foley, Asst. U.S. Atty., Irwin Goldbloom and Howard B. Pickard, Dept. of Justice, Dept. of Agriculture, Washington, D.C., for Kerrigan, Eisenstadt, Lee, McDevitt, Tierney, Ohrenberger & Richards.

OPINION

GARRITY, District Judge.

The National School Lunch Act, 42 U.S.C. §1751 et seq., provides federal assistance to local school lunch programs which implement the federal design to provide nutritious noon meals for our nation's youth at nonprofit and nonprohibitive prices. Plaintiffs complain that this program as administered in the Boston public school system violates both the Act and the Constitution of the United States. The court has heard the parties on crossmotions for summary judgment.

I Provisions of the Act

An understanding of the operation of the Act is essential to an analysis of the parties' contentions. The federal government, through the Department of Agriculture, assists states, primarily by grants of financial aid, in providing for the establishment, maintenance, operation and expansion of nonprofit school lunch programs. 42 U.S.C. § 1751. The amount of funds available to any particular state depends on the degree of its participation in terms of the number of lunches served under the program. That number is multiplied by a factor called the assistance need rate of the state. For all states whose per capita income is equal to or greater than that of all the United States the rate is 5. For states with lower per capita income the rate is greater than 5 but no more than 9, the difference depending on its relative poverty when compared to the whole of the United States. The product of the participation, rate, i.e., the number of lunches served, and this assistance need rate produces an index. The indices of all the states are added and then applied to the funds available through Congressional appropriations. 42 U.S.C. §§ 1753 and 1760, 7 C.F.R. § 210.4.

Funds so apportioned, however, will not be paid to the states unless each federal dollar is matched by three dollars from sources within the state, including amounts paid by the schoolchildren. There is an exception, not applicable to Massachusetts, for those states whose assistance need rate is above 5. For them the matching requirement is decreased by the percentage which the state per capita income is below the per capita income of the United States. 42 U.S.C. § 1756, 7 C.F.R. § 210.6(a). Thus under both the apportionment section (§ 1753) and this matching section (§ 1756) the assistance need rate comes in to provide the poorer states greater proportional assistance than the wealthier states.

The federal aid is generally limited to reimbursement for expenses of food costs and program administration. The federal government does not pick up any part of the expenses attributable to the use of land or for the acquisition, construction, or alteration of buildings. 7 C.F.R. § 210.6(b).

Accordingly, states wishing to take part in the program must be willing to provide, at some level of involvement, whether statewide or local, certain basic facilities and to underwrite a substantial portion of the program's continuing costs. In order to participate, states through their education agencies enter into written agreements with the Department of Agriculture undertaking the responsibility of administering the program in accordance with the provisions of the Act. 42 U.S.C. § 1756.

Under § 1757[1] the state agency, taking into account need and attendance, determines the eligibility of schools for participation in the school lunch program. Before any of the combination of federal and matching state funds may be disbursed by the state to these schools there must be an agreement executed between the state agency and the school seeking participation. This agreement is subject to the approval of the Secretary of Agriculture. § 1757, 7 C.F.R. § 210.8(d).

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[1] "Funds paid to any State during any fiscal year pursuant to sections 1753 or 1754 of this title shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and non-food assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this chapter during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary." 42 U.S.C. § 1757.

Section 1758 [2] of the Act contains the program requirements that must be implemented by the state and the schools participating in the program. One of these requirements, the one most relevant here, is that lunches must be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child may be made by the school because of his inability to pay.

Aid to participating schools takes the form of reimbursement of expenses in connection with lunches served in accordance with the provisions of the program. The Act provides a formula for a maximum amount of reimbursement, based on the number of lunches served to the children in the school multiplied by an assigned rate for each meal. With certain exceptions for needy schools, the maximum assigned rate is 9 cents per lunch. According to the deposition in this case of defendant John C. Stalker, the director of the Office of School Lunch Programs and Nutrition Education in the State Department of Education, the Commonwealth of Massachusetts has added to the federal grant whatever state funds have been required to bring the reimbursement of municipalities whose schools are participating in the program up to the 9 cents per lunch ceiling.

Just as state participation in the federal program is nonmandatory so too is participation by local communities in Massachusetts. The state agency leaves to the determination of local governments whether or not lunches will be offered in its schools. This is partially due to the fact that the bulk of the expenditures for initiating and continuing the school lunches within the Commonwealth is intended to be borne at the local level. Although participating municipalities will recieve the maximum rate of reimbursement from state and federal contributions, they still must be willing to give considerable support to the program themselves. First, they must provide certain basic facilities necessary for making and serving lunches to the schoolchildren. Funds from the federal government or from the Commonwealth are tied directly to the number of lunches actually served and do not include payments for rent or for the acquisition, construction or alteration of buildings.[3] Secondly, they bear part of the continuing costs of administering the program. Thus the City of Boston, through its school committee, makes up the difference between the grants received from the federal and state governments and the amounts received from the students on the one hand and the actual costs of administering the programs in individual schools on the other. During the school year 1967–68, pupils paid 69% of the cost of administering the school lunch program in Boston, the federal-state program 17%, and the City of Boston 14%. For 1968–69 corresponding percentages were 70%, 22% and 8%, and for 1969–70, as projected, 70%, 25% and 5%.

In Massachusetts the role of the state agency in determining which schools may participate in the program has been insignificant. Individual school committees desiring to participate apply for aid on behalf of one or more schools within their jurisdictions. Each school must signify its willingness to abide by the provisions of the Act and the federal-state agreement by executing an agreement in its own behalf with the state agency. In Massachusetts, the state agency has never rejected an application on behalf of such a school. Although the state agency has endeavored to encourage school systems without a school lunch program to institute one, its passive system of selection has permitted discretion in local authorities not only with respect to applying for aid in the first place but also with respect to selecting the schools to be the beneficiaries of any application.

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[2] "Lunches served by schools participating in the school-lunch program under this chapter shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research; except that such minimum nutritional requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this chapter shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 612c of Title 7, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this chapter as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities." 42 U.S.C. § 1758.

[3] Such expenses cannot be included among funds from sources within the states for the purpose of matching federal grants. 7 C.F.R. § 210.6(b). "Funds from sources within the state shall include: (1) funds expended for the Program, including program administration, by the state or its political subdivisions or by or on behalf of any school, from children's payments or from any other source of state or local funds *except funds expended for land or the acquisition, contruction or alteration of buildings.* * * *" (Emphasis added.) There is no indication that in Massachusetts there is any other source of state aid to municipalities for providing lunch room facilities.

The City of Boston participates in the program and has received aid pursuant to agreements with the state agency on behalf of virtually all its high schools and junior high schools and 14 out of 150 of its elementary schools. Out of the total of 51 schools which make lunches available, 39 make lunches for their students with facilities on their own premises. These schools have kitchens with refrigeration, cooking facilities, storage areas and cafeterias. These schools make hot lunches and the students eat them in the cafeterias. The remaining 12 schools which serve lunches do not have their own facilities except for milk refrigerators. Lunches are brought to them every morning by truck from other nearby schools where they are made. Ten of the 12 schools receive and serve cold lunches and the other 2 receive and serve hot lunches. At these 12 schools children eat the lunches in their classrooms. None of the schools which do not serve lunches have kitchens, cafeterias, food storage areas, common rooms or refrigerators other than milk refrigerators. The explanation for provision in the 12 schools without facilities is contiguity to two schools in which existing facilities were not being used to capacity. Thus in Boston the sole determinant for participation in the National School Lunch Program is the presence or absence of kitchen and lunchroom facilities either on the premises or nearby.

However, in some schools where there is no provision for lunches there is a greater concentration of nutritionally and economically needy children than in some where lunches are distributed. Therefore, some students with great economic and nutritional needs are not receiving lunches while other less needy children are.

Plaintiffs contend that an administration of the program producing such a result is a violation of the provisions of the National School Lunch Act. They read that part of § 1757 by which state agencies are directed to take need and attendance into account when determining eligibility for participation to mean that the state must give priority in its selection of schools to those whose students have the greatest economic and nutritional needs. Furthermore, by interpreting the word "schools" in § 1758 to mean school systems or committees rather than individual units of attendance, they read the requirements of that section to mean that as long as the Boston School Committee participates in the National School Lunch Program, it must provide reduced price or free lunches to all students unable to pay the full cost of the meal, whatever particular school unit they attend, as a condition to serving lunches to any other school child.

Plaintiffs also contend that a distribution of benefits under the Act which does not cover all students nor give a priority to the neediest but conditions participation on the existence of facilities results in an arbitrary discrimination not rationally related to the purposes of the Act and is therefore a violation of the Fifth and Fourteenth Amendments to the Constitution of the United States. State and federal officials have been joined as defendents on the theory that they have approved an illegal and unconstitutional administration of the program and have allowed it to persist despite their power to change it by withholding further funds until constitutional conditions are met.

II Legislative History

[1] Thus a fundamental issue concerns a question of statutory interpretation in light of the purposes of the Act: does it provide for a priority based on nutritional and economic need? Both the declaration of the policy of the Act and its congressional history [4] indicate that it was intended to advance two objectives: the preservation of the health and well-being of the nation's youth and the encouragement of domestic consumption of agricultural commodities. See 42 U.S.C. § 1751 and House Report No. 684, 79th Cong., 1st Session, June 5, 1945, p. 2.

The purpose of creating a substantial agricultural market would best be effectuated by the widest participation possible. The more children involved, the greater the potential market. Given any particular appropriation, money spent implementing a priority for needy children would not be available for purchase of agricultural commodities.[5] This aspect of the legislative purpose, then, does not support plaintiffs' contention.

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[4] We have turned to an examination of the legislative history of the School Lunch Act as an aid in determining the purpose of that statute. According to Sutherland, Statutes and Statutory Construction (3rd ed. 1943) Vol. 2, § 5003, pp. 484, 485, "Logically the events occurring immediately prior to the enactment of the statute ought to be a most lucrative source for information indicative of the legislative intent embodied therein. Therefore, the history of the measure during its enactment, that is, during the period from its introduction in the legislature to its enactment, has generally been the first extrinsic aid to which courts have turned in attempting to construe an ambiguous Act."

[5] Not until 1962 was § 1759a added providing separate funds for schools drawing attendance from poor areas to help them to meet the requirements of § 1758.

With respect to the purpose of safeguarding the health and well-being of the nation's children, Congress was concerned with those segments of our population with insufficient means to provide a nutritional diet for their children. The congressional deliberations show a recognition that dietary needs were most pressing in the school districts of least wealth and that the Act should contain nothing that might make it more difficult for those districts to participate in the program. See 92 Cong. Rec. 1452–1495, Part 2, 1946 (especially the remarks of Rep. Voorhis at 1485–1486).

This concern is reflected in the Act. As already stated, sections 1753 and 1756 provide for a disbursement of funds that will assure a greater proportional share to those States of relatively low per capita income. Under § 1758 the poor are to receive their lunches free or at reduced prices and under the 1962 amendments special assistance is provided to schools drawing attendance from areas in which poor economic conditions exist. 42 U.S.C. § 1759a.

On the other hand, the congressional deliberations show that it was not only those in economic need that would benefit from the provision of school lunches. Potentially all schoolchildren could be aided by the program. There was a constant awareness that poor nutrition was not confined to poor families. See e.g., 92 Cong. Rec. 1455, 1471–1472, Part 2, 1945 (remarks of Rep. Flannagan at 1455 and remarks of Reps. Granger and Voorhis at 1471–1472). The House Report noted that the benefits from school lunch programs were not limited to any particular class of children but rather took place "on all income levels inasmuch as an adequate lunch at school or adequate nutrition is not necessarily assured by the higher income of the parents." House Report No. 684, 79th Cong., 1st Session, June 5, 1945, p. 2.

The Senate Report mentioned three conditions preventing adequate nutrition and only the last of these related to the lack of economic means. The first was ignorance of the elements of proper nutrition in rich and poor alike. In this regard the Act was seen as valuable to both parent and child on the theory that the child would carry home to his parents the good nutritional habits developed at school. The second condition preventing adequate nutrition was the difficulty encountered by a child in obtaining a proper lunch at school. The report cited the increase in distances from home to school and the increased incidence of working mothers as compounding these difficulties. Senate Report No. 553, 79th Cong., 1st Session. July 28, 1945, p. 9. These are circumstances not limited to families from poor communities but would apply to school students generally.

Furthermore, during the congressional consideration of the 1962 amendments already mentioned especially 42 U.S.C. § 1759a, there was explicit awareness of the type of situation presented in the instant case. At the subcommittee level there was an amendment proposed which would have authorized an experimental three-year program designed to provide lunches in schools which were not participating because of inadequate facilities. It was noted that very often these were schools in the poorest areas. This amendment was rejected in favor of a recommendation that the Secretary of Agriculture study the problem with a view to expanding the lunch program to those schools currently eliminated only because of lack of facilities. See Senate Report No. 2016, 87th Cong., 2d Session, Sept. 7, 1962, p. 11; U.S. Code Cong. & Admin. News 1962, p. 3244.

[2] Plaintiffs contend that because § 1757 of the Act requires the state educational agencies to take into account "need and attendance" in determining eligibility for participation, they must select schools in areas of economic need before they may select any other schools. Though the precise meaning of this requirement is not entirely clear, given the history of the statute it cannot have the meaning the plaintiffs contend. A priority of such significance would not be couched in such ambiguous terms. It would be stated with the clarity of expression exhibited in the Child Nutrition Act, 42 U.S.C. § 1771 et seq., where the priority is made explicit:

"In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist * * *." 42 U.S.C. § 1773(c).

[3] Plaintiffs' argument under § 1758, that free or reduced-price lunches must be made available to students who cannot afford a full-priced meal despite the fact that the school they attend does not provide lunches, is based on the words "schools" and "school" meaning school systems or committees.[6] The plain lan-

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[6] The relevant language of § 1758 in this regard is as follows: "Lunches served by *schools* participating in the school-lunch program under this chapter shall meet minimum nutritional requirements * * *. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the *school* because of his inability to pay. "(Emphasis added.)

guage of the section, however, appears to refer to attendance units which are already participating in the program. Under this interpretation, § 1758 demands that in those attendance units in which school lunches are available they must be made available even to those who cannot afford to pay for them and this must be done in a manner which will not single out these poorer students. Read in this light, the requirements of § 1758 are met by the Boston school system.

Accordingly, we conclude that neither the purpose nor the language of the statute, as construed in the light of its legislative history, supports the plaintiffs' contention that there is an express or implied statutory requirement that lunches be made available to schools and students according to economic need. In the court's opinion, the purpose of the National School Lunch Act was the federal stimulation and encouragement to expansion of state and local programs to provide nutritionally adequate lunches at all schools and to all students, rich and poor alike.[7] See, e.g., 92 Cong. Rec. 1537, Part 2, 1946 (remarks of Rep. Lemke, "I believe these lunches should be given regardless of how wealthy or how poor the parents may be.") Therefore, the administration of the Act in Boston does not violate the statute.

III Constitutional Issues

Turning to the constitutional issues: all students in the Boston public school system are equally entitled to lunches under the Act and some are not receiving them. This unequal bestowal of benefits results from the local authorities having applied for participation only on behalf of schools that can be serviced by existing facilities. They have chosen not to incur substantial additional expenses for providing necessary facilities in all Boston schools or outside facilities that can service these schools. Thus, though all are entitled to receive lunches, not all are in the same position with respect to expenses necessary to make the program applicable throughout the city. Is this underinclusive classification justifiable in a manner compatible with the equal protection cluase of the Fourteenth Amendment?

[4] Judicial inquiry under the equal protection clause into areas of unequal treatment under law demands a standard of classification which is neither arbitrary nor creative of an invidious discrimination but reasonable when judged in light of the objectives of the legislation. See, e.g., Rinaldi v. Yeager, 1966, 384 U.S. 305, 86 S.Ct. 1497, 16 L.Ed.2d 577; McGowan v. Maryland, 1961, 366 U.S. 420, 81 S.Ct. 1101, 6 L.Ed. 2d 393; Tigner v. Texas, 1940, 310 U.S. 141, 60 S.Ct. 879, 84 L.Ed. 1124. See generally, Note, Developments in the Law—Equal Protection, 1969, 82 Harv. L.R. 1065. Legislative bodies, however, are given rather wide latitude in their judgments as to the reasonableness of classifications. "The constitutional safeguard is offended only if the classification rests on grounds wholly irrelevant to the achievement of the State's objective. State legislatures are presumed to have acted within their constitutional power despite the fact that, in practice, their laws result in some inequality. A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it." McGowan v. Maryland, *supra*, 366 U.S. at 425–426, 81 S.Ct. at 1105.

[5] In the instant case, the *de jure* classification produced by the administration of the school lunch program in Boston is not such that a defined class of citizens has been singled out and invidiously discriminated against on a permanent basis. Cf. Brown v. Board of Educ., 1954, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873. The line drawn between students who will receive the program's benefits and those who will not is neutral, depending solely on the availability of facilities. Moreover, though the plaintiffs are poor citizens of Boston, that line is not so drawn as to produce a *de facto* classification between the wealthy and the poor. There is no pattern such that schools with lunch programs predominate in areas of relative wealth and schools without the program in areas of economic deprivation.[8] Nor is there any discrimination against the poor in the

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[7] "Federal assistance to school lunch programs must seek to further the following basic objectives if it is to meet the needs of the children, of the school community and of agriculture: (1) to stimulate and to help make it possible for all schools to make a nutritious noon lunch available at cost to all children, and at less than cost to those who need such lunches but are unable to pay the full cost." Senate Report No. 553, 79th Cong., 1st Session, July 28, 1945, p. 6.

[8] The fact that there is a lunch program in virtually every high school and junior high school in Boston indicates that there could not be any wealth oriented discrimination at least with respect to that level of schooling. If there is any *de facto* classification at all, it is between elementary schools and high schools. Out of 51 schools covered, only 14 among the total of 150 elementary schools receive lunches, while all 37 of the high schools are serviced. But nothing turns on that because there is no contention that a disproportionate number of those 14 elementary schools draw attendance from areas of relative wealth. The contention is rather that the poorer areas are simply not given a priority, that is, that there is not a discrimination in their favor.—

sense that the exercise of a fundamental right which under the Constitution of the United States should be equally attainable to rich and poor alike, such as the right to vote or the right to an effective criminal appeal, is conditioned in a way that puts a price on the privilege, thus precluding the poor because of their inability to pay. See Harper v. Virginia State Board of Elections, 1966, 383 U.S. 663, 86 S.Ct. 1079, 16 L.Ed 2d 169 and Griffin v. Illinois, 1956, 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891.

There is no price on participation in the program. Therefore, no relative disadvantage to the poor inheres in the Act or its administration. Here poverty is its own disadvantage. The fact that relatively wealthy parents are better able to see that their children have an overall nutritious diet and that therefore the poor have the greatest need for lunches at school is a product of the disparity in material circumstances between the relatively rich and the poor and not the result of any aspect of the school lunch program. As heretofore explained, the National School Lunch Act is not primarily a welfare program.

[6] This does not mean, however, that the poverty of the plaintiffs is an irrelevant consideration. The reasonableness of a classification, even though it does not discriminate invidiously between the rich and the poor, should also be considered in terms of the harshness of its results. An administration of the School Lunch Act which does not benefit all who are logically within the scope of the Act is especially harsh on poor persons like the plaintiffs. Some needy persons are in effect receiving welfare benefits denied others simply because they happen to attend a school with lunchroom facilities and are able to get free or reduced-price lunches. Moreover, some children from wealthy homes are able to buy lunches at prices discounted by reason of governmental subsidies while some poor students are provided with no aid whatsoever. The court nevertheless concludes that this inequality, though unfortunate, is constitutionally permissible. The basis of the classification, i.e., the reason for the differing treatment, is not arbitrary or capricious. The decision not to undertake immediate sizeable capital expenditures to provide cafeteria facilities in nonparticipating schools or to build central kitchens and maintain trucking services to these schools so that lunches would be available to all that might need them, even in light of the harshness of its results to some grammar school pupils, is not so unreasonable as to reach constitutional dimensions.[9]

The situation presented here is comparable to that in McInnis v. Shapiro, 1968, N.D.Ill., 293 F.Supp. 327, aff'd sub nom. McInnis v. Ogilvie, 1969, 394 U.S. 322, 89 S.Ct. 1197, 22 L.Ed.2d 308 in which a three judge court upheld a state statutory system of financing education through local property taxation which resulted in wide variations in per pupil expenditures for schooling from district to district. That result followed inevitably from the fact that taxable wealth varies so widely from area to area. See generally Michelman, The Supreme Court 1968 Term Foreword: On Protecting the Poor Through the Fourteenth Amendment, 1969, 83 Harv.L.R. 7, especially 47–59. Though the inequalities were recognized in the *McInnis* case as readily apparent and though "no clearer or socially more significant case of wealth related disadvantage is imaginable," Michelman, *supra* at 48, the system was not found unconstitutional. The Supreme Court rejected the contention that only a financing system which apportions public funds according to educational needs would satisfy the Fourteenth Amendment and held that the school legislation under attack was neither arbitrary nor creative of an invidious classification. Rather it ruled that the state design allowing local choice and experimentation in the allocation of its revenues to competing needs such as schooling and police protection was reasonable. McInnis v. Shapiro, *supra*, 293 F.Supp. at 332, 333, 89 S.Ct. 1197.

[7] Contrary to the plaintiffs' contention, the instant case is not controlled by the reasoning in such cases as Shapiro v. Thompson, 1969, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d 600; Dews v. Henry, D.Ariz. 1969, 297 F.Supp. 587, or Westberry v. Fisher, D.Me., 1969, 297 F.Supp. 1109. In the *Shapiro* case the Supreme Court held that state minimum residency requirements for welfare benefits produced an invidious classification and were not justified by a legitimate state objective. In the other two cases certain statutory ceilings for welfare grants were held invalid by federal district courts because they tended arbitrarily to discriminate against families with many children. The principle that a classification is

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[9] It should be noted that efforts are being made at every level of involvement in the program to expand it, especially to reach those in the poorer communities. This is evidenced by the 1962 amendments to the School Lunch Act and the Child Nutrition Act of 1966. It also appears to be the policy of the Boston School Committee. New schools in Boston must have complete kitchen and lunchroom facilities. There is in the planning stage a pilot program for certain areas of the city for a central kitchen that will supply lunches to some contiguous school districts.

not justified simply by the desire to conserve public funds is stated clearly in the opinion of the Court in Shapiro v. Thompson, *supra*, 394 U.S. at 633, 89 S.Ct. at 1330:

> We recognize that a State has a valid interest in preserving the fiscal integrity of its programs. It may legitimately attempt to limit its expenditures, whether for public assistance, public education, or any other program. But a State may not accomplish such a purpose by invidious distinctions between classes of its citizens. It could not, for example, reduce expenditures for education by barring indigent children from its schools. Similarly, in the cases before us, appellants must do more than show that denying welfare benefits to new residents saves money. The saving of welfare costs cannot be an independent ground for an invidious classification.

It does not follow that state and federal programs affecting citizens unequally are all unconstitutional if some hypothetical appropriation of funds would produce equal benefits to all citizens.

If in order to save costs Boston were to eliminate from the program half of the schools that do have kitchen facilities, the situation would then be similar to that in the *Shapiro* case. Here, however, what Boston has avoided are expenses unique to schools without facilities and of a totally different nature from those it is already incurring as costs of administration of the program. Boston's fiscal purpose is therefore not arbitrary. Tax dollars must be allocated among a wide range of competing community interests.

The basic problem reflected in these proceedings is, of course, the level of the general welfare, which has not reached a point where in this land of plenty no child will go hungry. This is a problem of immense magnitude with legislative bodies the institutions of government most suited to bring about the needed changes. See generally, Note, Discriminations Against the Poor and the Fourteenth Amendment, 1967, 81 Harv. L.R. 435, 442.

Plaintiffs' motion for summary judgment is denied and the defendants' cross-motion for summary judgment is granted. Judgment will be entered for the defendants dismissing the action.

Kim JONES et al., Plaintiffs,

v.

The BOARD OF EDUCATION, CLEVELAND CITY SCHOOL DISTRICT, et al., Defendants.

Civ. No. C 69-959.

United States District Court, N. D. Ohio, E. D.—October 2, 1972.

Action by which plaintiffs sought to require defendants to provide free or reduced price school lunches to all eligible children in school system. Both parties filed motions for summary judgment. The District Court, Don J. Young, J., held that defendants were required to serve free or reduced price school lunches to all eligible children instead of only to some.

Partial summary judgment entered in favor of plaintiffs; motions for summary judgment overruled in other matter.

1. United States 🔑82

Defendants were required to serve free or reduced price school lunches to all eligible children instead of only to some. National School Lunch Act, § 9, 42 U.S.C.A. § 1758.

2. Federal Civil Procedure 🔑2481

Assertions raised question of fact precluding summary judgment as to whether method used for paying for school lunches violated legal provision against overt identification of any of the children receiving free or reduced price lunches. National School Lunch Act, § 9, 42 U.S.C.A. § 1758.

Lloyd B. Snyder, Edward R. Stege, Jr., Legal Aid Society, Cleveland, Ohio, for plaintiffs.

Charles F. Clarke, George W. Pring, Squire, Sanders & Dempsey, Cleveland, Ohio, for defendants.

MEMORANDUM

DON J. YOUNG, District Judge:

In this action, by which the plaintiffs seek to require the defendants to provide free or reduced price school lunches to all eligible children in the Cleveland City School System, both parties have filed motions for summary judgment.

These motions present two separate problems. The first, and most important, is whether the defendants are required to serve lunches to all eligible children, instead of only to some, as it is presently doing. The second problem is whether the method used for paying for lunches when they are provided violates the legal provision against overt identification of any of the children receiving free or reduced price lunches.

As to the first problem, the defendants rely on the cases of Briggs v. Kerrigan, 307 F.Supp. 295 (D.Mass.1969) aff'd per curiam, 431 F.2d 967 (1st Cir. 1970) and Ayala v. District 60 School Board of Pueblo, Colorado, 327 F.Supp. 980 (D.Colo. 1971). These cases are certainly squarely applicable to the facts of the present case, and support the defendants' position that because lunches are served at some schools in the district does not require that all children eligible in the district be served. By way of a not-so-veiled threat the defendants refer to Shaw v. Governing Board of Modesto City School District, 310 F.Supp. 1282 (E.D.Calif.1970), where the court reached a conclusion contrary to *Briggs*, and the defendants retaliated by terminating all school lunch programs.

However, it appears clear that the Congress became aware of these decisions, and in 1970, subsequent thereto, amended 42 U.S.C. § 1758 to include the following language:

> [B]ut, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines *shall* be served meals free or at reduced cost. (Emphasis this Court's).

Following this amendment, the Secretary of Agriculture promulgated a regulation (7 C.F.R. § 245.3(a) (Supp. 1972)) which provides in part as follows:

> Such standards shall specify the specific criteria to be used, respectively, for free lunches and for reduced price lunches; they shall be applicable to all schools under the jurisdiction of the school food authority; and *they shall provide that all children from a family meeting the eligibility standards and attending any school under the jurisdiction of the school food authority shall be provided the same benefits.* (Emphasis this Court's).

In the light of these clear and unambiguous provisions of law, it is clear that the cases relied upon by the defendants are no longer controlling, and the inhumanly callous method used by the Modesto Board to avoid complying with the Court's order has become unavailable.

It is well that this should be so. Present day knowledge of human growth and development leaves no question that the ancient practice of condemning poor children to slow starvation has consequences so damaging, and so completely irreversible, that no government which permits it can long survive. The one place where the state has direct control of all children is in the school system. It can and must do there what the welfare programs may fail to do elsewhere: insure that growing children of tender years are not completely starved.

The Court recognizes the financial problems of the school districts, and the difficulty of using meager resources to the best effect. But programs, books, and teachers are of little help to a child whose receptivity to learning is dulled by the gnawing of hunger. If there is not enough money to do everything, nourishing the body must come first.

[1] For this reason, as to the first of the problems presented by the motions of the parties, the motion of the defendants for a summary judgment will be overruled, and the motion of the plaintiffs will be granted, and a partial summary judgment entered in their favor.

[2] As to the second matter, it is clear from the record that there is a dispute as to the material facts. Thus it is impossible to grant a summary judgment in favor of either of these parties, and the motions will be overruled.

Nos. 73-1031, -1032

U.S. Court of Appeals for the Sixth Circuit

Kim Jones, et al., plaintiffs-appellees

v.

The Board of Education Cleveland City School District, et al., defendants-appellants

APPEAL FROM UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

Decided and Filed March 16, 1973.

Before Phillips, Chief Judge, Weick and Lively, Circuit Judges.

Per Curiam. The motion to vacate the stay order entered by a single Judge of this Court at a time when the Court was not in session and when exceptional circumstances existed, has been considered and is hereby denied.

The appeals were expedited by order of the Court and have been briefed and argued orally. We need not consider the appeal from a Memorandum of the District Court dated October 31, 1972, as this Memorandum did not constitute a final appealable order, although it was marked by the Clerk of the District Court as a judgment.

The appeal which we consider is from a partial summary judgment entered by the District Court on December 15, 1972, which the Court ordered that the Board of Education of the Cleveland City School District, the Superintendent of Schools, and the Deputy Superintendent provide school lunch programs by January 8, 1973, for thirty public schools and for thirty additional public schools by April 30, 1973, which shall comply with the requirements of the National School Lunch Act.[1]

The Cleveland City School District consists of about one hundred seventy-eight schools. Free hot lunches are already being served in all but about fifty-four of such schools. The schools so served are especially the needy ones.

Funds to pay the cost and expense of serving the lunches are supplied largely by the Federal Government through the Department of Agriculture. These funds are channeled through state educational officials to the local school districts which agreed to participate in the programs. The state, as well as the local school districts, contribute to the cost of the programs.

Although the State of Ohio educational officials were made parties defendant to the action by the plaintiffs, the District Court made no finding or order against them. The Department of Agriculture was not made a party defendant.

Depositions were taken of officials of the Department of Agriculture by counsel for the School Board. Their testimony was to the effect that the School Board had complied substantially with the Act and the applicable regulations. The depositions were filed with the Clerk of the District Court prior to the entry of the summary judgment, but the District Court declined to consider them.

The construction and interpretation of the statute and applicable regulations by the agency charged with their administration were entitled to be given great weight by the Court. *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971); *Udall* v. *Tallman*, 380 U.S. 1 (1965); *Bowles* v. *Seminole Rock Co.*, 325 U.S. 410 (1945). The District Court erred in not considering the testimony of these officials.

Since the Agriculture Department officials apparently have agreed with the School Board and not with the plaintiffs, it was imperative that the Department be made a party defendant in order to bind it by any judgment entered by the Court. The Act certainly did not contemplate that the School Board should bear the entire cost and expense of the school lunch program without contribution from either the state or federal governments. The School Board has been operating at a deficit.

It was the contention of the School Board that it was proceeding in good faith as rapidly as possible with the funds it had, to supply all needy children from families with incomes below the national poverty level with free or reduced-cost hot lunches. It was the contention of the plaintiffs that the Board should supply such lunches to all needy children, immediately, in the other fifty-four schools, either by providing cold lunch boxes in such schools where there are no facilities, or by contracting with commercial suppliers with mobile units to provide hot lunches.

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[1] 42 U.S.C. § 1751, et seq.

The Board on July 7, 1972, made written application to the Department for an allowance of $700,000, to provide a central commissary and a satellite kitchen program for the schools, and to purchase trucks for transportation of the food. Subsequently it applied for $1,300,000 for the same purposes. The Department has not acted on these applications.

It is not for us to act as a super Board of Education and to tell the duly elected Board members how to operate the public schools. It would seem to us anomalous for the Board to furnish hot lunches in the one hundred twenty-four schools now being served, and to serve cold lunches in the remaining fifty-four schools with which plaintiffs are concerned. We would question the authority of the Board under the provisions of the Act to discriminate against any of the schools within its district. Nor should we instruct the Board to hire independent suppliers when it desires to perform the work with its own employees.

In our opinion it was error to enter summary judgment against the Board and its officials as there were disputed issues of both fact and law. *Groves* v. *Ohio Turnpike Comm'n*, 315 F.2d 235 (6th Cir.), *cert. denied*, 375 U.S. 824 (1963).

It was also error to proceed without making the Department of Agriculture a party defendant, as it was an indispensable party to a determination of the issues. *Gardner* v. *Nashville Housing Authority*, 468 F.2d 480 (6th Cir. 1972); *Boles* v. *Greeneville Housing Authority*, 468 F.2d 476 (6th Cir. 1972). It was also error not to include in its judgment the state educational officials.

The judgment of the District Court is reversed and the cause is remanded with instructions to require the plaintiffs to file an amended complaint making the Department of Agriculture a party defendant; to conduct an evidentiary hearing; to adopt findings of fact and conclusions of law; and to enter judgment in accordance therewith.

Reversed.

For the time being, we will recess the school lunch hearing to be able to go to another hearing. Thank you very much.

[Recess.]

AFTERNOON SESSION

Mr. LEHMAN [acting chairman]. We will continue with the hearing which we recessed this morning.

We will begin with a panel of American School Food Service Association spokesmen. Mr. Perkins will join us as soon as possible.

For the purpose of the record, it would be nice if you would each identify yourself as you sit down.

STATEMENT OF JOSEPHINE MARTIN, CHAIRMAN, LEGISLATIVE COMMITTEE, AMERICAN SCHOOL FOOD SERVICE ASSOCIATION, ATLANTA, GA.; GERTRUDE GRINEY, DIRECTOR, SCHOOL NUTRITION PROGRAM, STATE DEPARTMENT OF EDUCATION, AUGUSTA, MAINE; DONALD G. BUSSLER, PITTSBURGH BOARD OF EDUCATION, PITTSBURGH, PA.; MRS. LUCILLE BANNETT, SCHOOL FOOD SERVICE, SPARTANBURG, S.C.; JOE STEWART, DEPARTMENT OF FOOD SERVICE, BOARD OF EDUCATION, DISTRICT OF COLUMBIA; AND JOHN PERRYMAN, EXECUTIVE DIRECTOR, AMERICAN SCHOOL FOOD SERVICE ASSOCIATION—A PANEL

Miss MARTIN. Mr. Lehman, we are going to conduct this as a panel. I am going to make some opening remarks, and if it is all right, I will introduce the panel at the close of my remarks.

I am Josephine Martin, administrator of the school food service program in the Georgia Department of Education and chairman of the Legislative Committee of the American School Food Service Association.

The members of the panel and I are here today representing ASFSA, an organization of 58,000 members. In behalf of ASFSA, I express appreciation for the leadership of Education and Labor Committee in providing legislation necessary to move child nutrition programs forward at a rapid rate since 1968. I am accompanied by Dr. John Perryman, executive director, ASFSA; Miss Louise Frelich, ASFSA; and Mr. Tom Vannemon.

How well I remember that day in May 1968 when I, as a member of another ASFSA panel, testified before the Education and Labor Committee, that millions of poor children in America were hungry because no funds were available for meals, and this committee asked, "How much is needed, will $10 million help?" And $50 million was made available for the next school year.

Since that historic moment, the turning point in child nutrition programs, more adequate provisions for feeding children have been made; and more crises have been met with emergency measures generated by this committee.

By way of introducing the panel today and the need for legislation to cross the current obstacles, I wish to review the legislative progress made since 1968 and mention some current crises.

Since that historic day in 1968 the number of economically needy children receiving lunches has increased from 2.9 million to 8.6 million and the number receiving breakfast has increased from 473,605 (January 1970) to 1,218,264, January 1973.

Thousands of schools have started lunch programs because of equipment made available through nonfood assistance. Since fiscal year 1969, the number of participating schools has increased from 74,861 to 85,813—January 1973.

The 1970 amendments to the National School Lunch Act and Child Nutrition Act—Public Law 91-248, H.R. 515, May 14, 1970, hailed by many as the most far-reaching legislation for child nutrition since the passage of the NSLA in 1946, guaranteed economically needy children the right to a free or reduced-price meal. It authorized use of funds for training and nutrition education and for developmental projects; it established a National Advisory Council to review programs and report annually to the President and the Congress; it directed USDA to establish regulations controlling the sale of competitive foods.

In March 1971 with the introduction of the universal school food service and nutrition education bill, it appeared, because of your leadership, that the goal of "putting an end to hunger in America's classrooms" was in sight.

Since passage of Public Law 91-248 which authorized 1 percent of child nutrition program funds for nutrition education and training—which would amount to approximately $14 million—the appropriation has not exceeded $1 million.

The present food shortage, nutritional labeling, and abundance of new funds created by technology make the need for nutrition education a major concern. Since the rapid program expansion which was given its thrust by Public Law 91-248, there has been no increase in funds for State administration and no funds for local administration in the face of increased workloads.

But alas, in August 1971, USDA proposed regulations which would reduce special assistance per meal to 30 cents from 36 cents in the previous year.

The prompt response which you and Senator Talmadge made to this proposed action generated the joint resolution Public Law 92-153 which (1) established a guarantee to the States of 40 cents per lunch from special assistance or the cost of the meal, whichever is lesser—a guarantee necessary to implement Public Law 91-248—and (2) guaranteed a minimum level of 6 cents per lunch from section 4 funds.

Armed with this legislation, States and local operators could proceed with confidence to feeding children.

Public Law 92-433—H.R. 14896, September 26, 1972—strengthened child nutrition by:

(1) Changing the allocation of section 4 funds to States from a formula basis to a performance basis.

(2) Assuring the States a minimum of 8 cents for all lunches and 5 cents for paid breakfasts and 20 cents for free breakfasts.

(3) Authorizing States to make advance payments to local school systems.

(4) Increasing nonfood assistance authorization to $40 million.

(5) Expanding breakfast program to all schools.

Although Public Law 92-433 contained these five major provisions which strengthened programs, amendment 7 which rescinded the authority of USDA to establish standards for controlling the sale of competitive foods presents a threat, both nutritionally and financially.

As school food service operators move into a new school year, not only are we faced with operational problems of skyrocketed food costs and food shortages, but we are faced with a competitive food service which will drain dollars and appetites. Both result in higher operating costs for school food service.

The increase in monetary gains of Public Law 92-433 so badly needed with rising food and labor costs was quickly overshadowed early in the 1972-73 school year by the "shortfall" in USDA foods.

The schools were not prepared for the cutback, and many, literally, were ready to close shop. Some, especially parochial schools, will not open the lunch programs in September because of severe operating costs.

However, Public Law 93-13, H.R. 4278, the legislation which you introduced to require USDA to pay States in cash for commodity shortfall, salvaged the program for 1972-73.

The number of economically deprived children receiving lunches has increased from 2.9 million to 8.6 million and the number of children receiving breakfast has increased from 473,000 to 1,218,000. Thousands of schools have started lunch programs because of equipment made available through nonfood assistance programs; since fiscal 1969 the number of participating schools has increased from 74,800 to 85,800.

Without your leadership, Mr. Chairman, and members of the committee, the child nutrition program could not have increased its reach from 20.1 million children in 1969 to 24.7 million in March 1973.

Mr. Chairman, prior to Public Law 91-248, the families of many poor or near-poor children were struggling to send lunch money to school and schools were often serving inadequate lunches to keep prices, or sale prices low enough that the economically needy could participate.

Public Law 91-248 made it possible for all economically needy children to have lunches at school, and the percentage of economically needy children has increased from 15 to 34.8 percent.

Millions of additional dollars—and most of these funds have been spent to feed more needy children—have made it possible for schools to improve the meal quality. However, the increase of section 4 funds has only been 3 cents per meal, and inflation has more than offset this modest increase. The per meal cost for labor alone has increased at least 8 cents per meal.

Schools have had to increase sale prices. Paying children have dropped out. In spite of the dropouts of the crossovers the beautiful part is that 3.6 million more children have lunch now than in 1969. Our concern is how do we retain this increase, and how do we reach more children, because there are approximately 44 million children in America's schools every day and we are falling far short of meeting the need.

Without your leadership, school food service operators could not have withstood the crisis of these past few years, could not have made the gains, and could not be serving even 23 million children today.

Mr. Lehman, frankly we are distressed with the statement of the USDA this morning which indicates there are no financial problems in school food service. As school food service operators we know that we are undoubtedly facing the most severe financial crisis yet to be encountered.

Food prices have skyrocketed; not only beef and pork, but chicken which schools have so heavily relied on because of its price and popularity, has now moved up in price. The same price situation is true across the board—fruit and vegetables, potatoes and beans, as well as milk. The panel members will discuss more fully the specifics of the price increases.

The USDA cited 12.5 percent increase in food costs in the past 12 months, and the labor cost increase of 2 cents a meal, will result in a minimum cost increase of 5.6 cents per meal in 1973-74, and in many places the cost will be much more. The appropriations bill which now rests in conference provides only 8 cents per lunch from section 4, and 40 cents from section 11, the same amounts provided in 1973 fiscal year budget.

In the past 4 years, the administration has asked Congress for only $20 million additional dollars, and yet you, the Members of Congress, have provided more than $500 million. We know that we are going to need more than the administration has asked for this year.

The donated food picture for 1973-74 is dismal. I have heard from a reliable source that USDA purchases for food will be less than 40 percent of the 1972-73 purchases; and that family feeding programs, rather than child feeding, will be given first priority for USDA foods.

If my calculation is correct, based on that projection of purchases, we can only count on 2.1 cents worth of donated food in 1973-74 rather than the 7 cents contained in the appropriations bill.

We ask the members of this committee for help. We apologize for constant and frequent demands for help. However, with unexpected events which drastically and dramatically affect child feeding, we have no recourse but to come to the Congress for help in continuing to serve children through the child nutrition program.

H.R. 4974 contains provisions for immediate help, and has provisions which will help span the gap to universal school food service and nutrition education, the only solution to putting an end to hunger in America's schools.

H.R. 4974 contains four major areas:

One, it provides immediate financial assistance by increasing the level of section 4 assistance to 10 cents per meal. We know the need is 12 cents, but this bill is written at 10 cents.

It increases the level of section 11 to 45 cents per lunch.

It provides for cash payments in lieu of commodities where a shortfall exists.

It increases breakfast reimbursement to 8 cents and 28 cents for paid and free meals.

And in spite of the fact that the Secretary indicated this morning they did not foresee a problem in breakfast program reimbursement, those of us at the operating level realize that many schools are not beginning breakfast programs, or are closing breakfast programs because of inadequate funds.

Second, H.R. 4974 establishes a program of nutrition education and provides for standards for foods served in schools. This will carry out the stated objectives of the national school lunch program regulations.

Third, H.R. 4974 provides a framework for cooperative development of regulations, and expands the National Advisory Council. And it provides for program expansion.

It is my pleasure to present to you a panel of ASFSA members who will discuss the need for the provisions contained in H.R. 4974. These witnesses, food service operators, know the problems by direct experience. They know that the child nutrition programs will fall short of the goal you established in 1968, and will deteriorate without the statutory and funding authorities contained within the bill.

First I present to you Mrs. Lucille Barnett, who will speak on the nutrition education and food standards contained in the bill. Mrs. Barnett is president-elect of the American Food Service Association, and food service director from Spartansburg, S.C.

Mr. LEHMAN. In consideration of the time, you may make any summation. Your written statements will go in the record.

Mrs. BARNETT. Thank you so much. We do thank you for this opportunity.

We are a Nation, of course, who make a lot of progress. We are quite appalled, however, in the fact that nutrition education has made a shameful retreat.

The national nutrition survey shows that 60 percent of the Americans in 1955 had a good diet. In 1965, only 50 percent of the American diets were considered good. Today, 18 million mothers are working outside the home. They have insufficient time to prepare adequate meals. The entire family has a different schedule. They have plenty of money for snacking and have too little training in eating for their health's sake.

The fact that a good assortment of food is available in the home is no indication that the family members will choose to eat it. In our schools nutrition education must not be an extra, the tag-on that it has been. It is essential.

We need your leadership in establishing the nutrition education specialists at the State educational level. If we just have the impetus in the State departments to once get this underway, then we feel that it will get its rightful place in training Americans to eat for a better and longer life. And $2 million is a meager request in our Nation's effort to help reduce the $60 billion spent annually on health.

We do not question the already required subjects in school. We do wonder why physical education is a credit-receiving subject, and nutrition education has no status whatsoever in the school curriculum. We say that our educational system educates the whole person. Yet we open up our pocketbooks to an untrained youngster and say, "What would you like to eat?"

Today we are putting in more and more hospital beds. This is the reverse of the action. We should be putting in more training at the elementary level. It has been mentioned that home economics does give training. Home economics only begins in junior high, and in most instances it is only available to girls.

In your wisdom, you have given us the workshop, the school cafeteria. It is the largest feeding program in the Nation. It should be the greatest teacher. We ask you to support food standards that offer essential nutrients and not just empty calorie foods.

You will notice attached to the statement is a comparison of soft drink and milk nutrients. Please do not interpret that we condemn soft drinks and cookies. We condemn them when they are offered in lieu of a balanced meal. We already have a distorted consumption. The average American is consuming 22 gallons of milk annually. In contrast, 32 gallons of soft drinks. What is the consumption going to be like when the child is offered side by side the empty calorie food versus the nutritional food?

Why not offer the sale of comic books and pornography in the school library? Is there any difference?

Mr. LEHMAN. Well, I don't know whether that is a correct analogy or not, but I will let it go by.

Mrs. BARNETT. We feel that the vitally needed nonprofit food service that you have established cannot survive financially when all types of "sippables" and "crunchies" are allowed to be sold in the schools by profitmaking organizations.

Annually, we spend $10 billion on our teeth. Twenty million Americans have no teeth of their own. One of the main contributing factors is a high, too high carbohydrate intake.

Shamefully, 50 million Americans are overweight. And a hard and fast rule that we always have been taught in nutrition is if you learn the rules of nutrition to live by, you will never have to learn the rules to reduce by. Therefore, we have failed our fellow citizens in giving them the training that they needed early in life.

A study in Oakland, Calif., has shown teachers need more training themselves. Students, even in the very early grades, have bad misconceptions about nutrition facts. The American public is faced with yet another hurdle. The implementation of the nutritional labeling is going to put an additional burden on the already untrained American public.

Now, do you realize that 50 percent of the items in the supermarket today were not present there 20 years ago? So as to the American public, Dr. Jean Mayer testified recently before the Senate, and he said we must have consumer education. Our request of $1 per student is a meager amount when compared to $27.50 per taxpayer to support the space program annually. Thank you.

[The written statement of Lucille Barnett follows:]

STATEMENT OF LUCILLE BARNETT, R.D., SUPERVISOR, SCHOOL FOOD SERVICE, SPARTANBURG, S.C., AND PRESIDENT-ELECT, AMERICAN SCHOOL FOOD SERVICE, ASSOCIATION

Mr. Chairman and members of the committee, I am Lucille Barnett, Supervisor of School Food Service in Spartanburg, South Carolina, President-Elect of American School Food Service Association, and a registered dietitian with American Dietetic Association.

We thank you again for your concern, expansion and financial support of school food service. Its physical and social impact on our youth is immeasurable. You have established school food service as an excellent lab for outreach efforts thru nutrition education.

We are a nation that forges ahead—progresses—but our progress in sound, down-to-earth nutrition education is a shameful retreat.

The National Nutrition Survey shows that 60% of Americans had a good diet in 1955 and only 50% were labeled good in 1965. This clearly identifies the urgency of a firmly established nutrition education program in our schools. Interesting, exciting and with simple personal appeal nutrition education will be our catalyst for change.

It is truly a health insurance policy for today's changed family life. Sure, "we got along all right" because we grew up in a different world. We ate together at home and had little pocket money. Today, 18 million mothers are working outside the home with perhaps insufficient time for good example and meal preparation. Family members have conflicting schedules, money for snacking and too little interest in eating for their health's sake.

Dr. Ruth Leverton states, "The fact that a good assortment of food is available in the home is no assurance that family members will choose to eat it. Nutrition education must be geared to all family members—attitudes, habits, then information.'

This is why in our schools nutrition education must not be an "extra." It is essential, and we need your leadership in the initial establishment as specified in H.R. 4974 of a nutrition education specialist in each state educational agency. Two million dollars is a meager request in the nation's effort to reduce the $60 billion spent annually on health.

We do not question the already "required" subjects in our school curriculum. Can we, however, reconcile the established credit granted for physical education and not even an honorable mention to nutrition education? It must be placed in the credit receiving subject matter. We say we educate the whole person yet open up our pocketbooks and say to an untrained youngster "what would you like to eat?" Early training is overdue for the longer life of vigor and productivity. We must train people with sound eating habits that will reduce illness, disease and avoid costly doctor bills. Dr. Sherman proved years ago through controlled animal feeding that good nutrition "will add life to your years; not just years to your life."

The time has come for you of the Congress to take national leadership to place greater emphasis on nutrition education and its teaching in the schools. In your wisdom you placed the workshop, the school cafeteria, which has become the largest single feeding program in the nation. It should also be the greatest teacher!

In your continued wisdom, you must feel impelled to support food standards that offer essential nutrients, not "empty calorie" foods. (See attached Food Comparison card reprints from National Dairy Council.) Please do not interpret that we condemn soft drinks and cookies! We do condemn them when they are offered in lieu of a balanced meal. Dr. George Briggs has warned us of the trend in annual average consumption per person: 32 gallons soft drinks, 22 gallons milk, 18 gallons beer, and 19 pounds candy.

School administrators should not be subjected to this additional pressured decision. The local vested interest might be a dollar-minded school board member. The need for new school equipment and student group "outings" might blind them to the issue that good nutrition is a matter of life and death.

Why not offer the sale of comic books and pornography in the school library in lieu of established reading materials? Is that really a difference?

Further, how can the vitally needed nonprofit food service program that you have established survive financially when all types of "sippables" and "crunchies" are profitmaking for the undisciplined groups.

Annually, we spend $10 billion on our teeth. Twenty million Americans have no teeth of their own. The Ten-State Nutrition Survey showed "The between-meal consumption of refined carbohydrates in adolescent children of all races. The caries index progressively rose as this dietary component increased."

Shamefully we admit that 50,000,000 Americans are now overweight—a lethal health hazard! It is an established fact: If you learn the rules of nutrition to live by, you will never have to learn the rules to reduce by! The sin of omission in our educational system has failed these fellow Americans. We must now fill this gap and put nutrition education in focus! The 10-state survey further emphasized, "Obesity in children and adolescents is a common nutrition-related health problem. The almost complete failure of programs to correct obesity once it is present in childhood and the potentially serious behavioral and health consequences of persisting severe obesity demand of the pediatric community a new level of concern for prevention of this condition."

A March 1973 study in Oakland, California, elementary schools continues to point up:

(1) Teachers need more resource texts etc., about nutrition and "positive" ways to teach the subject in the classroom.

(2) Student misconceptions about nutrition facts are widespread.

(3) Need for more foods rich in Vitamins A and C.

(4) Feedback to parents on foods to use in the home to reinforce classroom instruction.

The soon to be implemented nutritional labeling for food products is yet another hurdle for the untrained public. To benefit from this new labeling, it will be necessary to increase general knowledge in nutrition. It is most fitting that H.R. 4974 initiate this training!

Dr. Jean Mayer testified for the need "to encourage and support the development of new improved curricula to prepare consumers for participation in the marketplace; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to provide training programs for teachers, other educational personnel; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education."

Why shouldn't the untrained shopper become bewildered in the supermarket where 50% of the available items were unknown 20 years ago? We must establish a National Nutrition Policy and follow it up with funding. H.R. 4974 is a meager request to face nutrition education's crying need: 1974, $2,000,000; 1975, 50¢ per child enrolled and $1 per child each year thereafter. Compare this to $27.50 per taxpayer per year for the space program.

School food service for the health of our youth is the product of your wisdom. Provide nutrition education to protect and perpetuate the program is my final plea.

Miss MARTIN. Miss Gertrude Griney, director of school nutrition program in Maine, will talk to the point of State administration.

Miss GRINEY. Mr. Lehman.

I am Gertrude Griney, director of school nutrition programs, Maine Department of Education, and chairman of the State Directors Section of the American School Food Service Association. I thank you for the opportunity to testify in support of H.R. 4974.

I strongly support all sections of this bill.

In the interests of time, and not in terms of my own interest in the bill, I will limit my remarks to section 3, State Administrative Expense Funds, and to section 6, Regulations. First, section 3.

Under this section, a percentage of the aggregate payments made to a State educational agency could be used for program supervision and administration. At the present some programs do receive some funds for State administration provided as a line item in the USDA budget. These funds are not only grossly inadequate for present needs, but are distributed under a formula that is inequitable in its application.

Just to give you one example, one State that serves nine times as many meals a day as another State gets less than twice as much in administration funds. Since 1971 the USDA has asked the same level of funding for the budget items in this category, while requesting and receiving a 50 percent increase for Federal administration. Failure to request at least a sufficient increase in funds annually to cover salary increments, cost of living adjustments, increases in fringe benefits, and so forth, has meant that many States have had to dismiss qualified personnel for lack of funds. Many States have not even used their funds because they have been unable to attract qualified personnel to work on a program that was so precariously funded.

Since 1971 there has been a sharp increase in the workload at the State level due to legislative and regulatory requirements. These requirements while strengthening the program have made it more and more difficult for States to adequately administer and supervise programs within current staff limitations.

At USDA-sponsored meetings this year State directors developed a formula to provide adequate, not optimal, staffing levels. Most States we find are far, far below the adequate level. However, it is interesting to note that two of the States with staffs close to the formula are States with very high student participation in the program, 84.8 in one, and 80.4 in another. Adequate staffing, that provides for both leadership and service, training, on-site assistance to local school districts, does make a difference. Use of a percentage of total funds for program administration as provided in section 3 appears to be a solution to this problem.

Let us examine what has been available to the States during this past school year, if States had been able to use up to 1½ percent, or a minimum of $50,000 of the total program funds expended in 1972. In my own State we received $32,433. Under the 1½ percent formula we would have been able to use up to $90,000. This would have brought us within or very close to the adequate staffing level.

Connecticut received roughly $43,500. They would have had available $115,000. Connecticut was one State that late in the school year had to dismiss two qualified people, I believe it was around the 1st of May, because they did not have funds to cover the increases that we demanded by local legislative action.

Georgia received $109,000. They would have been able to use up to $485,000.

In your own State of Florida, where they received $118,000, they would have had available $450,000.

And what would this have done to the local schools? Under section 4 money, instead of an 8-cent-a-meal reimbursement, schools would have received 7.88 cents a meal; instead of 40 cents a meal for free meals, schools would have received 39.40 cents. This slight cut in subsidy should have been more than compensated by savings that would have resulted to local school districts, from the training and assistance in management and production techniques that State staffs could have given to the local school districts. And this is very important in days of spiraling food and labor costs.

Senator Ellender often remarked that the success of the National School Lunch Act was attributable in large part to the State level investment in the program. We are, therefore, reassured to know that

H.R. 4974 has a provision that the funds expended under section 3 shall be used to supplement State administrative support services for the child nutrition program at the level provided by each individual State for fiscal year 1973.

The Department's presentation this morning was interesting, in that it appears that they are supporting a line item of 2 percent of previous year's expenditures in the budget, and this after 3 years of asking for no increase whatsoever in this appropriation.

The second point I want to speak about is section 6, which provides that prior to publication in the Federal Register any proposed regulations would be discussed with a representative group of State, local, and school food service administrators, and lay citizens, and would have a five-member group to work with the Department in the development of each regulation. Currently, most regulations are published in prepared form. We believe that would be much more significant and meaningful if we were allowed to participate in the drawing up of these proposals.

Probably the classic example of what can happen in this area was the establishment of the 12-cent rule a few years ago. Although State school lunch directors reacted strongly against the proposed regulations, the Department published regulations in final form and we had to struggle with the problem for many months before the Department recognized what the States had seen from the first place, that it just wasn't workable.

Early in July of this year the Department issued regulations limiting the special milk program to schools offering no other food service. And completely eliminating the free milk for needy children. This despite the fact that the Senate has restored the money for the milk program, and the bill is now about to go to conference.

We believe that the Department took very hasty action on this in an effort to completely eliminate the milk program as we have known it in the last few years, and for many of our States we feel that this is a very serious loss.

We are mindful of the excellent support that this committee and the Congress has given to the child nutrition programs. We trust now that consideration will be given to the provision of funds to supplement the level of State appropriated funds for the administration of these programs, so that we may assure this committee that the programs are administered and supervised in such a manner that will insure use of the Federal program for maximum nutritional benefits for the Nation's children. Thank you.

[The written statement of Gertrude Griney follows:]

STATEMENT OF GERTRUDE GRINEY, DIRECTOR, SCHOOL NUTRITION PROGRAMS, MAINE DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES, AND CHAIRMAN, STATE DIRECTORS AND SUPERVISORS SECTION, AMERICAN SCHOOL FOOD SERVICE ASSOCIATION

Mr. Chairman and members of the committee, I am Gertrude Griney, Director of School Nutrition Programs, Maine Department of Educational and Cultural Services and Chairman of the State Directors Section of the American School Food Service Association. I appreciate the opportunity to testify in support of H.R. 4974, The Child Nutrition Act of 1973.

I strongly support all Sections of H.R. 4974. I will direct my remarks to Section 3, State Administrative Expenses. This section provides for (1) more adequate and equitable funding for state administrative expenses than is currently available, and (2) a framework for staffing to meet program needs.

Under H.R. 4974, a percentage of the aggregate payments made to a State Education Agency could be used for program administration and supervision, provided (1) that a given percentage of the funds were used for field personnel holding certificates in special subject matter areas, and (2) that these federal funds would not be used to supplant current efforts funded from State level appropriations.

Currently, States are receiving some funds, under a line item in the USDA budget, for state administration of the program but at funding levels that, as I stated above, are inadequate for program purpose and distributed under a formula that is inequitable in its application to the various States.

In the past four years (1971, 1972, 1973, 1974), the USDA has retained the same level of requests for state administrative expense funds. (It should be noted that while seeking no additional funds for state administration, increases have been requested for federal administration to provide for annualization and additional employees, an increase in 4 years of over 50%.)

During this period there have been major legislative and regulative changes that increased the workload of State personnel. To mention but a few of these additional, very important, but time-consuming activities:

1. Preparation of a State Plan of Operation.
2. Preparation and supervision of policies and procedures, at school level, relating to eligibility and provisions of free and reduced price meals.
3. Completion of a Civil Rights Review of at least one-third of the programs each year.
4. Assistance to schools in determining meal costs needed in setting reimbursement rate for free and reduced price meals.

States fully realize that these changes strengthen the program. They do not question the necessity for these changes but are hard pressed to administer the programs within current staff limitations.

At two recent USDA meetings, State Directors of Child Nutrition Programs developed a formula designed to provide adequate—not optimal—staffing. Under this formula, Maine, for example, would have 9 professional staff members. We currently have 4 and one part-time employees. Maine is not as fortunate as a few of the states but much more adequately staffed than many. It is worthy of note that two of the States with staffing close to the formula, are states with very high student participation in the program. Adequate staffing—that provides for both leadership and service—does make a difference.

During the period, too, there have been sharp increases in salaries and fringe benefits.

To give you an example from my own State of the budgetary impact of salary increments, cost of living increases, increases in fringe benefits, retirement plans, etc.:

State funds for State administration of programs: 1972, $69,919; 1973, $80,732; 1974, $82,208; and 1975, $86,318.

Yet during the four-year period there has been no increase in federal funds for administration. This has meant that many states have not fully used these funds for they have been unable to attract qualified personnel, to positions that are so precariously funded. Several states had to dismiss qualified personnel during this past school year due to increases in salaries and fringe benefits set by their Legislatures.

State Directors have viewed with much reluctance the use of a percentage of program funds for administration. However, in view of the inadequacy of the present funding, it would appear that alternative means must be sought to assure the continued growth and efficiency of the school food service programs.

We recognize further that use of percentage of total program funds would not be establishing a precedent.

In Maine I note that in 1972 both Title 1 of the Elementary and Secondary Act and the Vocational Education Act of 1968 provided funds for state administration from program funds at a far higher level than funds received for administration and supervision of Child Nutrition Programs.

Federal program	Grant	Federal funds for State administration
Title I—Elementary and Secondary Education Act	$6,224,563	$120,696
Vocational Education Act of 1968	1,715,673	308,237
Child nutrition programs	5,160,512	32,433

During this past year many state child nutrition departments have been assessed, under Bureau of the Budget Circular A87, for indirect costs. This percentage charged against federal administrative expense funds varies from State to State. One state reported an assessment of 43%.

In addition to current needs *H.R. 4974 would greatly strengthen present* programs by:

1. Providing a very substantial and needed increase in Nonfood Assistance Funds.
2. Mandating lunches in all schools by 1975.

To properly administer and supervise the use of the nonfood assistance funds requires highly qualified personnel, who have both expertise in equipment selection and have knowledge of and experience in school food service.

To extend the program to all schools means a major investment in staff time in assisting local school administrators in equipping facilities and training of staff. Several of the states now have a mandate from their own Legislative bodies to establish programs in all schools by a given date and have been experiencing the sharp increase in staff time that must be given to this activity. And while these activities must receive immediate attention, the State staff is required to maintain its responsibilities for all other phases of the program and to review at least ⅓ of the programs each year.

In view of the critical need for funding, even a limit of 1½% of total funds would go far in meeting immediate needs. Too, there may need to be consideration given to the small state that would have less than $50,000 on basis of the percentage factor.

The provision in Section 3 to insure that a percentage of SAE funds be used for qualified personnel is one that is supported by all State Directors of Child Nutrition Programs for we believe it is a safeguard to strengthen the technical and nutritional aspects of the program. However, in light of the possible deductions from administrative funds, indirect costs, it may be necessary to readjust the percentage figure slightly.

Although in the name of the State Directors of Child Nutrition Programs, I make a strong plea for substantially increased federal funds for State administration, I do not want to leave you with the impression that we want these federal funds to replace any state funds currently available for program administration. Senator Ellender often remarked that the success of the National School Lunch Program was due in large part to the state level investment in the program. We fully endorse that viewpoint.

However, increased demands for the State dollar make it extremely difficult to get substantial increases from that quarter. We are, however, reassured to note that H.R. 4974 has a provision that the funds expended under Section 3 shall be used to supplement the current level of state administrative support services for the Child Nutrition Program in each state.

We are not unmindful of the excellent support that this Committee and the Congress has given to the Child Nutrition Programs. We trust now that consideration will be given to the provision of funds, to supplement state level funds, for the administration of these programs so that we may assure you that the programs are administered and supervised in such a manner that will insure use of the federal investment in this program for maximum nutritional benefits for the nation's children.

Mr. LEHMAN. Thank you very much.

Miss MARTIN. Mr. Donald Bussler is director of the food service program for the Pittsburgh Board of Education. Mr. Bussler will speak to the overall aspects of the program and particularly as it relates Pittsburgh.

Mr. BUSSLER. I am Don Bussler, director of the food service for the Pittsburgh Public Schools. I should also preface this with the superintendent of schools who has read the written testimony as it is presented and has no objectiou to it being entered at this time, and for that reason I will have to probably stick closer to the written testimony than some of the others.

As to section by section that really affects Pittsburgh, section 2, the cash grants for nutrition education, this is a much-needed section in Pittsburgh, and we intend to use this to improve our classroom efforts in nutritional education as well as launch a meaningful training program for the various categories of school food service personnel. The basic program to teach the chief school lunch aids, and cafeteria program managers is already programed in Pittsburgh and only awaits funding. I believe Mr. Yeutter referred to this this morning in the experimental program, that Pittsburgh, Pa., is a part of. It seems that those States that have this program, that have gone this far with it, should be able to skip right across to part C of part II and apply for the 50 cents per student that will be made available under this legislation.

The section 7 on reimbursement in Pittsburgh, about 5 million lunches were served between September 1 and May 31 of this school year. An extra 2 cents in reimbursement would offset rising food and labor costs by $100,000. We have faced a 10-percent food cost increase since January, and a 4-percent labor increase, and we are faced with another 5-percent labor increase, as our workers have their representative bargaining agency.

Section 9 deals with additional foods. This section evades the real question. Are we talking about the national school lunch program? The Pennsylvania school lunch program, or the Pittsburgh school lunch program? This program is funded with Federal tax dollars, and as such the U.S. Department of Agriculture should set firm rules regulating competition against such a program. Strong language was used in this connection with competitive foods in previous legislation.

I implore this body to return to a firm stance against anything that would compete against a school lunch program for its funds. The language in the present legislation is against all principles as stated in the preamble, and the purpose of the National School Lunch Act of 1946. Why should the school lunch program be diluted by selling soda pop and candy in direct competition with itself?

I might add here that I had a copy of a letter from an attorney representing a vending company, and when this law—the present law—went into effect, this attorney wrote to principals in the district relating how they could sell legally, supposedly. Our rules in Pennsylvania did not permit this, but they still flooded the State with letters. And when it comes from an attorney, the principals feel it comes from a good source and therefore, that the vending machines were permissible in the cafeterias.

I turned this letter over to our State director for further investigation.

As to section 10, the special assistance, Pittsburgh has about 19,500 meals a day that fall into the category of free or reduced price lunch. The school year is 180 days long. Thus this increase of 5 cents would help offset the rising cost in Pittsburgh by $175,000 a year.

The rate of reimbursement under the same section, the provision for allowing the rate of reimbursement to rise with the cost of food and labor, is a giant step forward for this program. Rising costs are a constant squeeze on budget and needs of a food service administration, and this bill provides for a means of taking the ups and downs, the financial worry and the cost-cutting schemes out of the program.

When costs continue to soar, and prices are fixed, some other form of relief is needed to maintain quality food service. This is a farsighted provision, and this body should be congratulated for incorporating it in this bill.

The provision regulating the percent of needy students in a given education unit is also commendable. Eighty-five percent is high, but the paperwork eliminated when so many free or reduced-price lunches and tickets must be handed out, compared to the work eliminated in this type of unit, is a great help to the workers.

Section 12 redefines schools without food service. In present legislation, schools with a temporary food service, cannot participate in nonfood assistance funds. Pittsburgh has 38 schools on a temporary stopgap program. This came about because a large group of citizens came to the board and requested food in the so-called poverty or low-income areas. The board studied the request along with the available alternatives, and the type of service to be offered, and finally the board decided on a temporary cold lunch program.

Now, to label these schools "existing programs" would be unfair. Our present estimated cost of converting these schools from temporary cold lunch program to a permanent program capable of serving hot foods also is approximately $320,000.

Pittsburgh is ready to move forward on its commitment, and will be requesting nonfood assistance funds for most of the 38 elementary schools mentioned above. Again, this is a very farsighted provision and I congratulate the authors of this legislation.

Section 13 increases the nonfood assistance appropriation. It is only reasonable that if this body is going to mandate a lunch program as a part of the school lunch day in every year help must be provided to provide the necessary equipment, and so forth, to do the job well. Pittsburgh still has 34 elementary schools without food service. And an amount of approximately $300,000 will be needed to establish programs in these schools.

The question arises as to whether or not the $40 million in this bill is enough for 1974 and 1975 nationally, if you mandate lunch in all schools by that time. It seems reasonable to question the advisability of imposing both of these limitations if the expansion is to be rapid, provide enough funds to take care of the quick demand. If more time is available, stretch the needed expenditure over the additional years.

Section 16, local administrative funds, would help reduce the overall cost of the total program. At the present time Pittsburgh serves lunch in 92 attendance units. This includes day care, and child centers not housed in our school buildings. This provision would immediately, therefore, release 23,000 for other Pittsburgh program needs.

The overall picture of this legislation seems bright and clear except for the stigma of other food provision.

Congratulations to the authors of this bill, and a sincere thanks from across the Nation will be due the Congress when it approves this legislation and appropriates the necessary funds. We hope this will be soon. Thank you.

Mr. LEHMAN. Thank you very much.

Miss MARTIN. Mr. Joe Stewart, Director of the Department of Food Services in the District of Columbia, will speak to the financial aspects of the bill.

Mr. STEWART. Mr. Lehman, I represent a school lunch operation that has grown annually from 33,000 type A daily lunches in 1969 to more than 65,000 daily in 1973. In the District, we are reaching more needy students than ever before in its history. In 1969, 57 percent of all lunches served were served to needy children. In 1973, that figure has grown to 80 percent.

In addition to our school lunch lunch program, we serve a daily average of 16,000 free breakfasts.

My testimony today is in sole support of H.R. 4974. My support of this bill is due to an identified need that is being lived daily by school lunch supervisors throughout this country. We have observed recently housewives going to the streets in protest of high food prices.

The school lunch supervisor is no less affected by the upward movement of food prices than the housewife. They are no less affected by the increasing labor costs than the restaurant owner. Quite often, we are more adversely affected because in addition to the actual cost of food, we pay locked-in transportation charges for deliveries and high wage rates for labor. As a result, we are left with two choices: to increase the selling price to students and tax them out of the program, or to reduce the quality of our meals served in the program, such a decision in our opinion is selecting between the lesser of two evils. Our only alternative to this decision as we see it is additional Federal assistance such as provided for by H.R. 4974, with its escalating clause subject to changes in the operating cost.

In an effort to dramatize this need of which I speak, I offer to you data experienced by the D. of C. public school system between 1972 and 1973 fiscal year.

Example No. 1: We experienced a 0.0059 increase. With a purchase at our volume of 20 million half-pint cartons, we can anticipate an increase of $118,000 next year.

In chicken thighs, a 32-cent-per-pound increase. At our present purchasing volume, this represents an increase of $16,640 anticipated.

Ground beef—and we are not getting any in commodities—we have experienced an increase of 22 cents per pound. This represents an anticipated increase of $44,000 in 1974.

Tacked onto this is the increased labor costs. We experienced an increase of 12 cents per man-hour. At our staff level working 1,296,000 man-hours per year, an increase of $155,500, not including staff benefits.

From these examples, gentlemen, the least possible increase we can anticipate is $334,000 in fiscal year 1974.

In addition to these increases mentioned from the records of District of Columbia Public Schools operation, I offer to this committee as part of my testimony to be entered into the record an article taken from U.S. News & World Report for July 16, entitled, "Why a Food Scare in a Land of Plenty?" and I wish to quote one passage from this article. It is entitled "Gloom in the Midwest."

"In the Nation's agricultural heartland, there is gloom about the future. A survey by the Chicago bureau of U.S. News & World Report found general agreement in the Midwest that still higher food prices and perhaps severe shortages are on the way—no matter what is done now about price controls."

Factors not alluded to in these examples include our need for legislation on the bill on the breakfast program. Far-reaching legislation for the first time is found by school lunch operators throughout this country within this legislation for the first time which provides for costs, provides legislation to cover costs related to labor costs, expendable items costs, transportation and other costs.

In the District since the inception of the breakfast program we have been limited to a monotonous cereal, milk, and juice breakfast because of the funding limitation. We could not affort to offer variety because of the price increase. This legislation will open a greater variety and prevent many districts from going to food additives or food for the price range.

Factors not alluded to in these examples involve the area of commodity shortfall. My office has been notified that in 1974 we should not expect to receive butter nor dry milk from the Department of Agriculture surplus food program. In 1973 we did not receive ground beef and very little ground pork.

We are not optimistic about receiving poultry in 1974.

Again I would like to enter into the record from the same article in U.S. News & World Report a statement made by Mr. Lester R. Brown, authority on United States and world food production, written in answer to the question, "How long are Americans going to be forced with shortages of food and rising prices for groceries?"

Mr. Brown responds, and I quote, "Food is going to continue to be in short supply, not only in the United States but around the world generally, for at least the next year. Beyond that we may be faced with chronic global food scarcity for the foreseeable future."

It is for this reason that I support H.R. 4974. Because, in spite of the generosity of Public Law 93-13, shortfall funds do not restore our purchasing power by 100 percent.

I feel that H.R. 4974 is needed by nearly all geographic areas, States, countries and territories of these United States. But I feel that it is more especially needed by urban cities where the concentrated population is stricken by economic deprivation; where food prices are higher; where wages are higher; where welfare lines are longer; where working mothers are greater; where the family meal cannot be supplemented by a backyard garden; and where a child's only balanced meals may well be the school breakfast and lunch. Without legislation such as H.R. 4974, school cafeterias all over this country will be forced to reduce the natural quality of their food to live within the financial restraints and reduce to artificial foods or food alternates, or perhaps be compelled to close their doors entirely.

Because of these possibilities, Mr. Chairman, I think H.R. 4974 has a much more important message. Hidden in this legislation is a question of morals that deals with needy children of this country.

And my question then is, where is the American conscience, that we would feed the inhabitants of foreign countries when the many needy children of this great county are forced to eat artificial foods or not to eat at all? I strongly support this legislation that deals not only with the question of adequate education and finance, but also the question of our commitment to a moral standard.

I thank you for an opportunity to have given this testimony.

[The written testimony of Joseph M. Stewart follows:]

STATEMENT OF JOSEPH M. STEWART, DIRECTOR OF FOOD SERVICES, DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Mr. Chairman and members of the committee, my name is Joseph M. Stewart. I am director of food services for D.C. Public Schools and State Child nutrition director. My testimony is in sole support of H.R. 4974. My support of this bill is due to an identified need that is being lived daily by school lunch supervisors throughout these United States. I represent a school lunch operation that has grown annually from 33,000 type "A" daily lunches in 1969, to more than 65,000 daily in FY 73. We are reaching more needy students in D.C., than ever before in its history. In 1969, 57% of all lunches served were free. In 1973, that figure has climbed to 80%. In addition to our school lunch program, we serve a daily average of 16,000 breakfasts, of which all are served to needy children. I shall, therefore, direct my comments to the funding related areas of H.R. 4974, and speak about the need for sec. 4, sec. II, and the breakfast program increases called for in this bill.

The school lunch supervisor is no less affected by the upward movement of food prices than the housewife. They are no less affected by the increasing labor costs than the restaurant owner. Quite often, we are more adversely affected because in addition to the actual cost of food, we pay locked-in transportation charges for deliveries and high wage rates for labor. As a result, we are left with two choices; increase the selling price to students and tax them out of the program, or reduce the quality of meals served in the program. Such a decision is one of selecting between the lesser of two evils. The only alternative to this decision is additional Federal assistance which is provided for in H.R. 4974, with its escalating clause subject to changes in operating cost.

In an effort to dramatize the need for additional Federal assistance in the school lunch and breakfast program, I offer to this committee the following comparative data experienced by my department in the D.C. Public School System between fiscal year 1972 and fiscal year 1973:

Example (I), Milk: 1972, .0640; 1973, .0694; increase, .0059. Cartons purchased in fiscal year 1973, 20,000,000; 20,000,000 × .0059 = $118,000.

Example (2), Chicken thighs: 1972, $.76; 1973, $1.08; increase, $.32. Pounds purchased in FY 1973 = 52,000; 52,000 × $.32 = $16.640.

Example (3), Ground beef: 1972, $.76; 1973, $.98; increase, $.22. Pounds in FY 1973 = 200,243; 200,243 lbs. × $.22 = $44.053.

Example (4), Labor cost: Lowest pay rate 1972, $2.22 per hr.; lowest pay rate 1973, $2.34 per hr. with our staff level of 1,200 employees working 1,296,000 man-hours per year × .12¢ increase per hour = $155,500 in FY 1974, increase not including benefits.

Gentlemen, from these examples, we anticipate an increase in operating cost of not less than $334,193 in fiscal year 74. My only consolation is that my situation is no different from thousands of other school lunch operations throughout this country.

Factors not alluded to in these examples involve the area of commodity shortfall. My office has been notified by USDA that we may not receive butter and dry milk in 1974, added to this is the fact that in 1973, we did not receive ground beef and very little ground pork. In addition to this critical situation, we expect that the grain crisis will result in our receiving far less poultry in 1974 than we received in 1973. In spite of the generosity of Public Law 93-13, shortfall funds do not restore our purchasing power by 100%. Even with shortfall funds, we must anticipate increased cost when locally purchased products are used in lieu of Government-donated foods.

H.R. 4974 is needed by nearly all geographic areas, States, counties and territories of these United States. It is especially needed by urban cities where the concentrated population is stricken by economic deprivation; where food prices are higher; where wages are higher; where welfare lines are longer; where working mothers are greater; where the family meal can not be supplemented by a backyard garden; and where a child's only balanced meals may well be the school breakfast and lunch. Without legislation such as H.R. 4974, school cafeterias all over this country will be forced to reduce the natural quality of their meal composition and go to artificial foods or food alternates, or perhaps, compelled to close their doors completely.

Because of these possibilities, Mr. Chairman, I think the most important part of H.R. 4974 is imbedded in unwritten form. Hidden in this legislation is a more significant question—a question of morals. A question that is more important to America than the Watergate affair. Specifically, this bill deals with the needy children of this country. The children who come from the economically poor of this country. People who were basically made poor by this country. This country gained its economic stability during the pre- and post-Civil War era, when it was involved with tapping the muscular capabilities of men rather than developing their minds. As a result, this country has evolved as an advanced technological society that is based on the knowledge and expertise of educated men and confronted with a monster of a problem created by the uneducated poor and disadvantaged. But now that we have created this American monster, we must appear in congressional hearings to justify the need to properly feed these people. While the Congress of these United States vote on feeding the hungry children of this Nation, billions of dollars are spent annually to support foreign countries. My question, gentlemen, is, where is the American conscience, that we would feed the inhabitants of foreign countries when the many needy children of this great country are forced to eat artificial foods or not to eat at all? I strongly support the contents of H.R. 4974, for it is legislation that no only deals with the question of adequate education and finance, but also the question of our commitment to a moral standard.

Mr. Chairman, I consider it a great opportunity and privilege to have been invited to appear before this committee, and for this opportunity, I thank you.

Mr. LEHMAN. Thank you.

Miss MARTIN. Mr. Chairman, that concludes our statements. We want to thank you for making it possible for us to appear before this committee, and we would be happy to answer any questions.

Mr. LEHMAN. Just a couple of questions on the breakfast program. You have 16,000 breakfasts in the District of Columbia. Under this new bill how many breakfasts would you be able to serve in the District of Columbia School System?

Mr. STEWART. The important point in this, we would be able to extend it beyond a monotonous cereal and juice 5 days a week. What we would hope to do would add variety and that would increase the participation. The difference of those qualified, for instance, serving 52,000 needy lunches daily. Those qualified for needy lunch also qualify for needy breakfasts, yet we are only serving 16,000.

We think it has to do with the monotony of the program, and being unable to do any more because of the fund limitation.

Mr. LEHMAN. Has anybody ever done any statistical work on performance data in regards to those who do and those who do not eat breakfast in the morning?

Mr. STEWART. I think those more familiar with nutrition surveys would perhaps be able to be more specific on this. But I think surveys have provided information that show a definite link between a child's breakfast consumption and his participation in a classroom; the child's performance.

Mr. LEHMAN. Also his behavior, and the way he acts in the classroom, as well as the way he learns.

Mr. STEWART. Yes.

Mr. LEHMAN. Just off the top of my head, my kids always like the same thing for breakfast, you know.

Mr. STEWART. If we could serve egg and bacon and perhaps ham, not to say that is what you are serving, but I think they would prefer that more than the cereal, milk, and juice. It is a bit monotonous, and quite frankly I think we pull very few kids out because this is all that they will get 5 days a week.

Mr. LEHMAN. I think we practically ought to force-feed these kids in the morning, in the way of "get them there and get them fed." I think most of the kids I see love cold cereal and milk, and they would rather have that anyhow. But I would like to see them have that opportunity to have eggs and bacon, or whatever, hot cakes, and french toast, and things like that.

I thank you very much for coming, and your testimony will be a big help when we have this bill before the full committee and on the floor of the House.

The next panel is the nutrition panel.

You folks come right on in and tell us who you are and we will get you going.

Once again, I want to thank the folks who are here, and encourage the folks who are coming in, if possible, to sum up your statements.

DR. DAVID PAIGE, DEPARTMENT OF MATERNAL AND CHILD HEALTH, JOHNS HOPKINS UNIVERSITY; JOHN KRAMER, DIRECTOR, NATIONAL COUNCIL ON HUNGER AND MALNUTRITION, WASHINGTON, D.C.; RODNEY LEONARD, COMMUNITY NUTRITION INSTITUTE, WASHINGTON, D.C.; LEWIS B. STRAUS, NATIONAL CHILD NUTRITION PROJECT, NEW BRUNSWICK, N.J.; AND ISABELLE HALLAHAN, PRESIDENT, AMERICAN DIETETIC ASSOCIATION, FARMINGDALE, N.Y.—A PANEL

Mrs. **Hallahan**. We were having a conference here deciding if we would go in the order listed on the paper.

Mr. **Lehman**. Can you pick up the microphones.

Mrs. **Hallahan**. We are somewhat out of order, but I am Isabelle A. Hallahan, a registered dietitian and president of the American Dietetic Association.

The members of the association join me in thanking the Committee on Education and Labor for this opportunity to present our views concerning the provisions of H.R. 4974.

Since 1969, representatives of the American Dietetic Association have appeared before congressional committees to express our viewpoint concerning the school food service programs. We have been supportive of legislation that would guarantee a lunch to needy children at a free or reduced price, make the school breakfast permanent, and allow the establishment of programs to test the feasibility of the concept of universal school lunch.

With your permission, we would like to submit for the record a policy statement adopted by the American Dietetic Association entitled "Promoting Optimal Nutritional Health of the Population of the United States," and that is attachment A.

My remarks at this time will be confined briefly to sections 2, 3, 5, 6 and 9 of H.R. 4974.

We suggest that in section 2, the Secretary of Agriculture be authorized to award grants and contracts for research and demonstrations in the development of nutrition education programs and curriculums.

We believe that the employment of a variety of investigations in academic settings would result in more innovative approaches to this long neglected subject.

Reference was made this morning by the Assistant Secretary to two programs underway, so I will not read this part of my prepared statement.

These are two examples, the two to which the Assistant Secretary referred this morning, and which are in my prepared statement.

These are two examples of the type of programs which we would like to see continue so that models may be developed. We should like to have particular emphasis placed on nutrition education opportunities for the teacher with the incorporation of appropriate nutrition courses in the curriculums of those preparing to teach grades K through 12, as well as the provision of opportunities for continuing education in nutrition.

We concur in the utilization of the school food service program as a laboratory for the teaching of nutrition. We recommend that children be taught to recognize the contribution that the meals served at school make to their nutritional well-being.

We also recommend a nutrition education curriculum taught under the guidance of a nutrition education supervisor to reflect the cultural, ethnic, and economic background of the children in the community.

These recommendations related to the development and teaching of nutrition education are consistent with and supportive of the recommendations made by the National Advisory Council on Child Nutrition in both their 1972 and 1973 reports to the President and Congress.

We do, however, continue to question the adequacy of $25,000 per State for the employment of a nutrition specialist to plan and develop child nutrition education programs in each State. This sum does not seem sufficient to provide the specialist with the administrative and clerical support nor funds for travel within the State that would be needed to fully utilize the services of the specialist. This part of section 2 of the bill does, however, follow the recommendation of the 1973 report of the Advisory Council on Child Nutrition in which they recognized the need for "Obtaining more Federal funds to assist State educational agencies in carrying out nutrition education and training efforts and to provide appropriate nutrition education materials."

Section 3 of the proposed bill would establish a formula for the administrative expenditure of funds to include the employment of field supervisors and auditors who have a certificate of training in the subject areas or the equivalent in field supervisory or auditing experience. We should like to recommend that the certificate of training specify courses in nutrition, applied nutrition, and nutrition education. With this background, the supervisor and auditor is equipped to play a better role in developing programs to meet the specific needs of a local situation.

With respect to those parts of sections 2, 5, and 6 of H.R. 4974 related to the continuation and establishment of advisory councils we concur with the proposal that the present National Advisory Council be increased from 13 to 19 members, with the additional members to be representatives of school lunch supervisors, parents of school-age children, and consumers from secondary schools. Furthermore, we agree that the life of the National Advisory Council be extended until such time as subsequent legislation would terminate it.

We reaffirm our support of some 2 years ago for the establishment of State advisory councils whose responsibilities would parallel those of the National Council. In addition to the members already recommended, we should like to have included representatives of State health, welfare, and consumer education agencies to promote coordination of child nutrition activities within the States and maximize these new educational efforts.

We believe that a program of the magnitude envisaged by H.R. 4974 could succeed only with local involvement and cooperation. State advisory councils could help to relieve some of the lack of uniformity in the administration of school food service programs from community to community, and could help in adapting programs to meet ethnic and cultural needs.

Section 9 of the bill relative to "competitive foods" in school food service programs was one of the subjects to which we gave our attention in April of this year, when the association outlined its position concerning the vending of food as authorized in Public Law 92-433, before the Senate Select Committee on Nutrition and Human Needs. I would like to quote briefly from that statement:

> Until such time as every child has had the opportunity to learn about the relationship of his health to the food that he eats, we seriously doubt his ability to consistently make wise choices in the food that he selects. To offer items that can be purchased indiscriminately and in competition to the planned school meal seems to put a burden of responsibility on the child that his education has not prepared him to assume.
>
> The Type A lunch pattern was planned to meet one-third of a child's daily nutritional requirements as established by the Recommended Daily Allowances of the Food and Nutrition Board, National Academy of Sciences, National Research Council. Administration of the regulations of this school meal has all been directed toward the school meeting this obligation. Allowing the sale of food items that do not come under the supervision of those responsible for the principal meals served in school appears to defeat the purpose for which school food service was originally established—simply to bring the best possible meal at the lowest possible price to the greatest number of children.
>
> We recognize that vending machines in some situations may serve as an integral part of a total school food operation. Our attitude, therefore, is not in opposition to the vending of food but rather that all choices so provided be under the supervision of the person or persons responsible for the total food operation who are concerned with the establishment of the highest standards of good nutrition.

Since presenting a statement to your committee in March 1973, the Chairman, Mr. Perkins, has asked the American Dietetic Association to define a nutritious food as it might apply to this proposed legislation.

Food in itself has nutritive value only as it makes a positive, significant contribution to the health of the individual consumer. With respect to nutritious as it related to the provisions of H.R. 4974, and specifically relative to section 9, we submitted the following definition:

> Foods which make a "significant nutritional contribution" are intended to mean foods included in the Type A lunch pattern or foods which would contribute to one-third of the appropriate recommended daily allowance for specific nutrients.

In conclusion, we do believe that nutrition education programs that could be supported through the enactment of H.R. 4974 could do much to convey, and I quote from a speech made by the Secretary of Agriculture earlier this year in which he said that there are far too few "means for conveying authoritative and persuasive information to the public."

We believe that authoritative and persuasive information to children is necessary for when they are beginning to form nutrition habits that could help to promote their health throughout the life cycle.

We thank you again for this opportunity of appearing before the committee.

[The written statement of Isabelle A. Hallahan follows:]

STATEMENT OF ISABELLE A. HALLAHAN, REGISTERED DIETITIAN, PRESIDENT, AMERICAN DIETETIC ASSOCIATION

Mr. Chairman, I am Isabelle A. Hallahan, a registered dietitian and president of the American Dietetic Association. The Association is comprised of 24,000 members who have as their objective: the improvement of the nutrition of human beings, the advancement of the science of dietetics and nutrition, and the improvement of education in these and allied areas.

The members of the Association join me in thanking the Committee on Education and Labor for this opportunity to present our views concerning the provisions of H.R. 4974. This bill would establish a program of nutrition education as a part of the National School Lunch and Child Nutrition Programs and would amend the National School Lunch and Child Nutrition Acts for purposes related to strengthening the existing child nutrition programs.

Since 1969, representatives of The American Dietetic Association have appeared before Congressional Committees to express our viewpoint concerning the school food service programs. We have been supportive of legislation that would guarantee a lunch to needy children at a free or reduced price, make the school breakfast permanent, and allow the establishment of programs to test the feasibility of the concept of universal school lunch.

With your permission, we would like to submit for the record a policy statement adopted by The American Dietetic Association entitled "Promoting Optimal Nutritional Health of the Population of the United States," Attachment A. We believe that this statement lends support and is pertinent to the legislation being considered by this Committee.

In March, 1973, we were invited to appear before your Committee to comment on the provisions of H.R. 4974. We could not appear at that time but filed a brief statement with the Chairman, Mr. Perkins. This morning I shall elaborate on some of the statements in our March letter. My remarks will be confined to Sections 2, 3, 5, 6 and 9 of H.R. 4974.

The "Child Nutrition Education Act of 1973" would help to develop sound nutrition education programs for children, school food service personnel and teachers. Under the provisions of the Act, these programs would be administered through the Department of Agriculture. We suggest that in Section 2, the Secretary of Agriculture be authorized to award grants and contracts for research and demonstrations in the development of nutrition education programs and curricula.

We believe that the employment of a variety of investigations in academic settings would result in more innovative approaches to this long neglected subject. The pilot program in Alabama, Arkansas, California, Nebraska, New York and Pennsylvania that has been funded through grants from the Department of Agriculture this past spring for the purpose of exploring approaches to nutrition education might well be the forerunner of this type of activity.

Another program relating to nutrition education has also been funded in the six southeastern States to develop and evaluate the teaching of nutrition education through the cooperation of the classroom teacher and school lunch personnel.

These are two examples of the type of programs which we would like to see continue so that models may be developed. We should like to have particular emphasis placed on nutrition education opportunities for the teacher with the incorporation of appropriate nutrition courses in the curricula of those preparing to teach grades K through 12, as well as the provision of opportunities for continuing education in nutrition.

We concur in the utilization of the school food service program as a laboratory for the teaching of nutrition. We recommend that children be taught to recognize the contribution that the meals served at school make to their nutritional well-being. The meals and the pattern used in planning them can become the core for a series of dynamic applied nutrition lessons.

We also recommend a nutrition education curriculum taught under the guidance of a nutrition education supervisor to reflect the culture, ethnic and economic background of the children in the community.

These recommendations related to the development and teaching of nutrition education are consistent with and supportive of the recommendations made by the National Advisory Council on Child Nutrition in both their 1972 and 1973 reports to the President and Congress.

We do continue to question the adequacy of $25,000 per State for the employment of a nutrition education specialist to plan and develop child nutrition education programs in each State. This sum does not seem sufficient to provide the specialist with the administrative and clerical support nor funds for travel within the State that would be needed to fully utilize the services of the specialist. This part of Section 2 of the bill does, however, follow the recommendation of the 1973 report of the Advisory Council on Child Nutrition in which they recognized the need for "Obtaining more Federal funds to assist State educational agencies in carrying out nutrition education and training efforts and to provide appropriate nutrition education materials."

Section 3 of the proposed bill would establish a formula for the administrative expenditure of funds to include the employment of field supervisors and auditors who have a certificate of training in the subject areas or the equivalent in field supervisory or auditing experience. We should like to recommend that the certificate of training specify courses in nutrition, applied nutrition and nutrition education. With this background, the supervisor and auditor is equipped to play a better role in developing programs to meet the specific needs of a local situation.

With respect to those parts of Sections 2, 5 and 6 of H.R. 4974 related to the continuation and establishment of Advisory Councils we concur with the proposal that the present National Advisory Council be increased from 13 to 19 members with the additional members to be representatives of school lunch supervisors, parents of school-age children and consumers from secondary schools. Furthermore, we agree that the life of the National Advisory Council be extended until such time as subsequent legislation would terminate it.

We reaffirm our support of some two years ago for the establishment of State Advisory Councils whose responsibilities would parallel those of the National Council. In addition to the members already recommended we should like to have included representatives of the State health, welfare and consumer education agencies to promote coordination of child nutrition activities within the States and maximize these educational efforts.

We believe that a program of the magnitude envisaged by H.R. 4974 could succeed only with local involvement and cooperation. State Advisory Councils could help to relieve some of the lack of uniformity in the administration of school food service programs from community to community and could help in adapting programs to meet ethnic and cultural needs.

The American Dietetic Association is particularly interested in the provisions of Section 9 of the bill relative to "Competitive Foods" in school food service programs. In April of this year, the Association outlined its position concerning the vending of food as authorized in P.L. 92–433. A statement was presented before the Senate Select Committee on Nutrition and Human Needs. To quote briefly from that statement which supports the amendment to the current law proposed in H.R. 4974:

"Until such time as every child has had the opportunity to learn about the relationship of his health to the food that he eats, we seriously doubt his ability to consistently make wise choices in the food that he selects. To offer items that can be purchased indiscriminately and in competition to the planned school meal seems to put a burden of responsibility on the child that his education has not prepared him to assume.

"The Type A lunch pattern was planned to meet one-third of a child's daily nutritional requirements as established by the Recommended Daily Allowances of the Food and Nutrition Board, National Academy of Sciences-National Research Council. Administration of the regulations of this school meal has all been directed toward the school meeting this obligation. Allowing the sale of food items that do not come under the supervision of those responsible for the principal meals served in school appears to defeat the purpose for which school food service was originally established—simply to bring the best possible meal at the lowest possible price to the greatest number of children.

"We recognize that vending machines in some situations may serve as an integral part of a total school food operation. Our attitude, therefore, is not in opposition to the vending of food but rather that all choices so provided be under the supervision of the person or persons responsible for the total food operation who are concerned with the establishment of the highest standards of good nutrition."

Since presenting a statement to your Committee in March, 1973, the Chairman has asked The American Dietetic Association to define a "nutritious food" as it might apply to this proposed legislation.

In the June 1973 Journal of The American Dietetic Association, there is an article devoted to the terminology used in the practice of dietetics. One of the current problems defined in this paper is the misuse of dietetic terms: "When terms pertaining to applied nutrition are loosely applied or misused, confusion results."

Food in itself has nutritive value only as it makes a positive, significant contribution to the health of the individual consumer. With respect to "Nutritious" as it relates to the provisions of H.R. 4974, and specifically relative to Section 9, we submitted the following definition: "Foods which make a 'significant nutritional contribution' are intended to mean foods included in the Type A lunch pattern or foods which would contribute to one-third of the appropriate recommended daily allowance for specific nutrients."

On May 4, 1973, in a speech before the Board of Trustees of the Nutrition Foundation in New York, Secretary of Agriculture, Earl L. Butz, said: "Food fulfills the first law of life—it is the prime requisite for keeping a society alive, vigorous, and productive. Far too little is known about our nutritional needs, the extent of their effects on health, and how to assure adequate amounts of essential nutrients in the foods we eat. Also, far too few are the means for conveying authoritative and persuasive information to the public."

Nutrition education programs that could be supported through the enactment of H.R. 4974 could do much to convey "authoritative and persuasive information" to children when they are beginning to form nutrition habits that could help to promote their health throughout the life cycle.

Thank you again for this opportunity to express the views of the American Dietetic Association.

ATTACHMENT A

[From the Journal of the American Dietetic Association, November 1969]

PROMOTING OPTIMAL NUTRITIONAL HEALTH OF THE POPULATION OF THE UNITED STATES

POLICY STATEMENT OF THE AMERICAN DIETETIC ASSOCIATION

TO FULFILL the objectives of The American Dietetic Association as stated in its *Constitution*, i.e., "To improve the nutrition of human beings; to advance the science of dietetics and nutrition; and to improve education in these and allied areas," The American Dietetic Association recommends that:

I. Nutritionally adequate food should be available for all individuals and families.

II. Nutrition service under the supervision of qualified nutrition personnel should be a component of *all* health and health related programs and should be designed to reach the total population with priority to such nutritionally vulnerable groups as infants, children and youth in the growing years, women in the child-bearing years, and the older age population.

III. Nutrition education should be available to all individuals and families and, in schools, should be a basic curriculum requirement. School feeding programs in which there is continued application of current nutrition knowledge and coordination with nutrition education in the classroom should be available to all children.

IV. Recruitment and training of professional and supportive nutrition personnel should be accelerated and expanded to fulfill the present and projected needs for manpower to provide the services needed to attain and maintain optimal nutritional health of the population.

V. To assist the states and their communities in improving the health of their residents through nutrition, the federal government should:

(a) Develop and promulgate national nutrition policies;

(b) Recognize the importance of nutrition to health by establishing an organizational unit with responsibility for a comprehensive coordinated nutrition program in all federal agencies administering health services;

(c) Establish at policy-making levels, authority which applies to all departments concerned with developing and implementing a coordinated nutrition program;

(d) Provide financial assistance for nutrition surveillance surveys, applied nutrition research and demonstrations, grants-in-aid to support public health nutrition programs, and consumer protection activities; and

(e) Establish a uniform system for nation-wide reporting of morbidity and mortality of malnutrition which will provide statistics on the magnitude and location of primary, secondary, and tertiary malnutrition.

VI. There be a White House Conference on Nutrition and that nutrition be represented in all White House Conferences with implications for nutritional health.

VII. Participation of the food industry should be solicited in promoting optimal nutritional health of the population.

Chairman **PERKINS**. Mr. Leonard, do you want to go ahead?

Mr. **LEONARD**. Thank you, Mr. Chairman.

My name is Rodney E. Leonard. I am the executive director of the Community Nutrition Institute. We are here today to testify on H.R. 4974, which is a bill to increase reimbursements for meals served to school children, to authorize a nutrition education program and to make various reforms in the National School Lunch Act and the Child Nutrition Act.

Now, there is need for refrom and I think the situation is quite drastic. School lunches and child nutrition is headed toward a crisis. The panel members here will describe various aspects of that and I would like to direct my attention to the school lunch program itself.

The most immediate and obvious phase of the crisis is the funding in the budget Congress has just now passed for the Department of Agriculture, which suggests that 1.6 million more children are going to be participating in a school lunch program next year, including a million more needy children not now being served.

Now these are very laudable goals, but they are not going to be attained given the budget that now looks like it is available for the program. More than likely, if that budget stands, there will be fewer children participating in the program than in the current year. And the reason is simply that there has been a massive increase in the cost of food. Since the Congress passed an increase in reimbursement rates for school lunch the cost of food has increased over 20 percent and it looks as though the cost of food is going to go up another 10 percent by the time the coming school year is over; so that the school lunch program is facing an approximately 30 percent increase in the cost of food by the time the next school year ends. which means that the per-meal costs are going to go up anywhere from 10 to 15 cents.

Now, it is going to be impossible to maintain participation in the program with the current reimbursement rates. And I would like to simply refer to the table that is in my statement which shows the participation data from 1970 through to the projected figures in 1974.

Chairman **PERKINS**. Well, without objection your prepared statement will be inserted in the record.

[The statement follows:]

STATEMENT OF RODNEY E. LEONARD, EXECUTIVE DIRECTOR, COMMUNITY NUTRITION INSTITUTE

Mr. Chairman, members of the committee, my name is Rodney E. Leonard I am the executive director of the Community Nutrition Institute, a nonprofit corporation dedicated to improving the operation of nutrition programs at the community level.

I appreciate the invitation to appear here today to testify on H.R. 4974, a bill to increase meal reimbursements and to authorize a nutrition education program. It also provides for certain administrative and procedural reforms in the National School Lunch Act and the Child Nutrition Act.

There is need for reform in child nutrition. As a national program it is racing towards a crisis. Let me describe some elements of this crisis. The individuals with me here on the panel will describe other aspects.

The most immediate, and obvious, phase of the crisis is described in the budget which the Congress has now approved for the child nutrition programs in the coming school year.

The budget suggests that about 1.6 million more children will receive a school lunch each day of the new school year than the 22.7 million who participated on the average day last year. Included in the total are one million more needy children than the 7.6 million served daily in the 1972–73 school year.

These are laudable goals. However, by some secret method they are going to be attained, according to the appropriations action, with the same reimbursements per meal as last year.

There is no possibility of achieving these goals, laudable as they are. In fact, it is probable that fewer children will be served by this vital program next year unless the Congress increases the reimbursement rate for lunch and breakfast.

The best that can be hoped for, considering the massive inflation we are now experiencing in the cost of food, is that additional funds will maintain the participation level.

The budget needs for the coming year, however, are only a symptom of much deeper troubles. Child nutrition is a very sick program.

(A) It has consistently failed to perform as the USDA has projected in its budget requests year after year. For example, each year since 1971, the USDA has based its budget requests on a program level of about 25 million children being served a lunch each day of the school year.

In 1971, the actual number served was 21.5 million children; in 1972, the figure was 22.1 million; in the past school year, it appears the number of children served will be about 22.7 million.

The situation has become an embarrassing problem for the USDA. Instead of asking why the program has not performed as promised, however, the agency developed a new method of counting. The technique allows them to pretend that children who are absent would eat a school lunch, if they were at school; and thus 22.7 million becomes almost 25 million.

(B) The number of children who pay for lunch has dropped sharply in the last two years, from about 16 million children in the 1970 and 1971 school years to 15 million children in the past two school years.

This trend has developed even though about 1,000 new schools join the program each year.

(C) The drop in the number of children who pay has been more than made up by the increase in the number of children who receive a free or reduced price lunch. As welcome as this growth is, however, the USDA has regularly returned substantial amounts of money rather than spending it to reach more needy children.

In the 1971-72 school year, the USDA managed to save $43 million in funds appropriated for lunches for needy children, and the figure in the year just ended appears to be about $40 million.

There seems to be general agreement, even between the Food and Nutrition Service and its critics, that about 10 million or more children in school today are eligible for a free or reduced cost lunch. Nearly 550,000 could have been served each day over the past two years with the funds saved by the USDA.

NATIONAL SCHOOL LUNCH PROGRAM PARTICIPATION DATA

[In millions]

Category	1970	1971	1972	1973	1974
Paid	15.9	15.9	15.0	15.1	15.6
Free/reduced price	4.1	5.6	7.1	7.6	8.7
Total	19.9	21.5	22.1	22.7	24.3

Examining these three major faults in relation to each other leads to a number of questions, the answers to which may help identify more specifically the cause of the illness threatening child nutrition programs.

1. Why has the school lunch program failed to grow, particularly in light of the increased funding provided by Congress, often over the protest of the Administration?
2. Why are the number of paying children declining, and what steps should be taken to expand their participation?
3. Is the school lunch and breakfast program becoming identified in the minds of children as a program for the poor? Do school officials believe this? Do parents?
4. Is the only problem the need for more money?
5. Is 25 million students a reasonable daily participation goal for this program?
6. Can the program, as it now is administered, serve 25 million children each school day?

Unfortunately, the bill before this committee will not answer any of these questions, for it assumes that: 1. More money will sustain if not increase participation; 2. Nutrition education will help; 3. Administrative changes will help correct other major deficiencies.

I recognize that the State directors of school food service programs, and the American School Food Service Association, have drafted this legislation in the belief that, short of a Universal School Lunch program, it will help resolve the problems they face in administering the child nutrition programs.

There is no doubt that additional funding is crucial. Without it, many children will be unable to pay the higher prices for meals which schools will be forced to charge because of higher labor and food costs.

But I am less than optimistic that the other reforms proposed in this legislation will be effective. The problem is two-fold:

First, the Congress has been tinkering with the child nutrition programs each year for almost 6 years, and the programs do not appear to be supplying nutritional services adequately in the communities of America.

Second, even where proposals were enacted to serve specific clear and pressing human need, the Food and Nutrition Service has not sought to implement these new policy initiatives, fairly or adequately. There is no indication that the nutrition education program contained in this legislation will not suffer the same fate.

Let me be more specific:

(a) A year ago, the Congress directed the Food and Nutrition Service to carry out a two-year program to evaluate the effectiveness of supplementing the diets of infants, pregnant women and of children between ages one and four. The USDA was directed to use $20 million each year from Section 32 funds to operate the program, which would generate medical data on the health impact on participants served by clinics operating in low income areas.

The USDA delayed implementation of the program for over a year. It was finally forced into writing regulations only after intense State and local government pressure. Court action also was required to force the USDA to spend the money Congress authorized. The agency now proposes a six month program because authority will expire June 30, 1974.

(b) Three years ago the Congress authorized a program for funding research and development programs at both the Federal and State levels, with the State programs directed toward staff development and demonstrated projects.

The Food and Nutrition Service, through various fiscal and administrative strategies, has blocked any independent State research and development programs. Proposed guidelines, printed a year ago, have never been distributed. Federal research has been minimal, and largely directed at finding ways to reduce food costs by substituting such products as vegetable protein for meat.

Only token steps have been taken to look at the problems of staff development and training, even though State program directors have been vigorously pressing the USDA on the need for planning to meet staffing needs over the next decade.

(c) Each year since the Congress authorized the non-school or summer recreation food program, additional Congressional action has been required to emphasize that the program should be operated to serve community needs. Two years ago, for example, a special resolution was initiated by this committee to insure adequate funding for the summer recreation phase of this program. Similar action was required last year.

The Food and Nutrition Service, however, has operated the program in ways which appear designed to destroy confidence and Congressional support. The agency has never created an identifiable staffing structure to which responsibility can be assigned. Regulations have been delayed each year until the last moment (which compounds confusion), and Federal employees have been sent to the field to find examples of poor execution rather than to assist in setting up effective programs.

I hope this committee, other than authorizing increases in the reimbursement rates for Section 4 and 11, and extending the infant supplemental food program. would undertake a basic five-step reexamination of the child nutrition programs before proceeding with further legislative modifications and initiatives; this would include—

A new statement of goals, particularly in light of the new demands for nutrition programs which have been emerging since the school breakfast program was enacted a decade ago.

Recommendation on program administration and management techniques which reflect an awareness that the Congress wants people to be served. This would require an evaluation of the Food and Nutrition Service as the administering agency, and the USDA as the supervising Department.

Recommendations on the long-term staff training and personnel development for nutrition programs at the Federal, State and community level, including programs for children in school and non-school activities as well as other groups, such as older Americans.

Recommendations for a comprehensive research and demonstration program in nutrition, including education which will be provided for young and old alike.

Recommendations for a Congressional procedure to regularly evaluate the performance of child nutrition programs to prevent conditions from developing which overly long neglect can breed.

Such a reevaluation of child nutrition could be conducted over the next six months, and be completed in time for consideration when the fiscal 1975 budget is presented.

It would be the first time since the National School Lunch Act was enacted in 1946 that the intent, scope and direction of Federal policy in relation to child nutrition has been examined as a matter of Congressional initiative.

Considering the problems already visible, the time is ripe for such study of new directions, and I urge this committee to continue to give leadership in this vital field.

Mr. LEONARD. Thank you.

Chairman PERKINS. Go ahead.

Mr. LEONARD. The figures show that the number of paying students participating in the lunch program since 1970 declined from 16 million to about 15 million in the current school year. It is interesting to note that between 1970 and 1971 and 1972 Congress increased the reimbursement rate for all school lunches 1 cent, from 5 cents to 6 cents. In that year participation of paid students fell from 16 million to 15 million. In 1972 the Congress added 2 cents per meal, and the participation of paid lunch students appears to have gone up about 100,000. In other words, there really has been no change at all, which seems to imply that a 2-cent increase simply enabled the school lunch program to maintain participation where it was.

On the free and reduced price lunches the number has gone up significantly, and it is a very healthy increase from about 4 million to 7.6 million in the current school year. Now, the reason for the increase can be seen. Between 1970 and 1971 the average reimbursement rate for free lunches went up 12 cents, and between 1971 and 1972 another 12 cents, so that over a period of 2 years primarily because of pressure from the Congress, sufficient funds were made available to increase participation by approximately 3 million. What it means is that the total participation in the program is not increasing at nearly the pace that the support provided by Congress, that is, the participation in the program has gone up 13 percent, while support in terms of financial resources has gone up 100 percent. So it raises a number of questions: One, why hasn't the program grown more rapidly, given the kind of support Congress has provided generally over the protest of the administration? Why is the number of paying children declining and what steps can be taken to expand that participation? Is the program becoming identified as a program for poor children, and is this true so far as the children are concerned? Is this true so far as parents or school administrators are concerned? It raises the question, is the only problem a need for more money or a need for nutrition education?

Well, are these the kinds of answers? Or does it go deeper and can the program as it is now administered reach the goal the administration sets out, which is approximately 25 million children served each day? I think additional funding is absolutely crucial, simply because children are going to be unable to pay a 10- to 15-cent increase in the cost of a meal and there are going to be children forced out of the program.

I am less optimistic that the other reforms in the proposed bill will actually do what is hoped, because we have now been tinkering with the national school lunch program for the past 6 years and the changes that have come about are really not that significant. The programs generally still are not essentially adequate to deliver the services in the community and, secondly, I think part of the problem is simply that where proposals have been enacted the Food and Nutrition Service has not sought to implement them fairly or adequately, and I fear that if we have a nutrition education program enacted by this Congress after listening to Dr. Yeutter's statement this morning it is going to suffer the same fate as other programs have.

Two years or a year ago Congress directed the Department to begin a 2-year program to evaluate the effectiveness of supplementing the diets of infants, pregnant women, and young children. The Department was directed to spend $20 million a year for 2 years. As you recall, you carried that bill yourself back to the floor of the House and spoke for it there.

Yesterday the Department announced that they finally were going to get to that program and they might spend $20 million for it, but they were concerned they could only run it for 6 months because the authority for that program is going to expire on June 30, 1974. Three years ago Congress authorized a program for research and development at both Federal and State levels and States were directed to develop their staff and to provide education and demonstration programs.

Food and Nutrition Service, through various fiscal and administrative strategies, has blocked any independent State research or development program. They had proposed guidelines developed 2 years ago that were printed, and they have never been distributed. Federal research itself has been very minimal and it has been largely directed at finding ways to reduce food costs by substituting vegetable protein for meat and other such ideas as that. But we have had as a token program and even Dr. Yeutter's statement this morning, I think, underscored that fact, that they could only point to two things that are done, and a program that has been authorized for funding at least $2 million a year.

Another example is that each year we have had summer feeding programs and each year Congress has had to take steps, this committee has had to initiate steps, to force the Department to spend the money—to provide more money to carry out an adequate program. It has required special regulations and other specific actions by the Congress each year. And that program has been operated so ineptly, and the regulations have been provided so late, that really nothing has been achieved the way we had hoped it could be.

So what I would like to urge this committee to do in the present situation is to increase the reimbursement rates for section 4 and section 11, to extend the authority for the infant supplemental food program for another 4 years, and then to undertake a basic five-step reexamination of the child nutrition programs before proceeding with any further legislation at this time, modifications, or initiatives.

We need a new statement of goals, particularly in light of the demands, new demands for nutrition programs that have come about since the breakfast program was enacted 10 years ago. We need recommendations on program administration and management techniques that reflect an awareness that the administration is seeking to carry out the policies the Congress has set down. I think this requires an evaluation of the Food and Nutrition Service as the administering agency, and the Department itself as a supervising Department. And frankly it is very hard for me to say that, because my background is with the USDA. I think we need recommendations on long-term staffing and training, personnel development for nutrition programs at Federal, State, and community levels. And these include programs for children in school and nonschool, as well as for other groups, particularly now with the expansion of nutrition programs for older Americans.

We need recommendations for research and demonstration programs in nutrition including nutrition education. And we most of all need a review procedure that Congress sets up to regularly evaluate the performance of these programs. So that we would no longer have to live with the kinds of conditions that are developing simply because of neglect. And I think that an evaluation like this could be completed over the next 6 months in time for the next budget submission in December or January.

So that when the budget comes to Congress, then the committee is ready to report the intent and scope and direction of Federal policy. I think if this were done, it really would be the first time since the National School Lunch Act was passed in 1946 that this question has been examined as a matter of congressional initiative. And considering the products that we already have seen, we have desperately needed this kind of leadership which Congress and your committee can provide.

Chairman **PERKINS**. Thank you very much, Mr. Leonard. I will have some questions in a few moments.

Our next witness is Dr. David Paige, Department of Maternal and Child Health, Johns Hopkins University. Go ahead, Dr. Paige.

Dr. **PAIGE**. Thank you.

Chairman **PERKINS**. Without objection your prepared statement will be inserted in the record.

[The statement referred to follows:]

STATEMENT OF DAVID M. PAIGE, ASSOCIATE PROFESSOR OF MATERNAL AND CHILD HEALTH AND ASSISTANT PROFESSOR OF PEDIATRICS, JOHNS HOPKINS UNIVERSITY SCHOOL OF HYGIENE AND PUBLIC HEALTH AND SCHOOL OF MEDICINE.

I am David M. Paige, Associate Professor of Maternal and Child Health and Assistant Professor of Pediatrics at the Johns Hopkins University School of Hygiene and Public Health and School of Medicine. I am testifying in support of strengthening and expanding the existing child nutrition programs.

Undernutrition in disadvantaged children has been recognized with increasing frequency over the past several years. Attention has focused on various programs designed to redress the poor nutritional indices noted in these children. The school feeding program has served as one vehicle for achieving this goal. Other approaches have taken the form of commodity distribution, food stamps, and nutrition education. Recent reports have indicated that these essential programs while contributing much, do not have the anticipated impact on the nutritional well-being of high risk children. These findings, coupled with reports identifying the most critical periods of neurological and cerebral growth as the first and second year of life, have focused attention on developing feeding programs aimed at reinforcing the nutritional status of infants. It is suggested that a focus of attention be given to prevention rather than remediation.

The ramifications of inadequate nutrition cannot effectively be conceptualized for any point in time. To fully comprehend the extent of the problem, malnutrition must be considered a continuum. That is to say that an insidious cycle of events, often originating in utero, continues to take place throughout the individual's life. The nutritionally deprived infant who manifests objective criteria of malnutrition in terms of stunting of height, weight, small head circumference, and other quantifiable, biological, and biochemical parameters has already had the groundwork laid for a less than optimal future. It is suggested that this group of youngsters who have not had their depressed nturitional status redressed during the critical period of infancy may not be amenable to modification at a later date.

During this early infant experience, if the already disturbed nutritional status of this infant continues to be stressed, the further sequelae of a loss of full potential of growth and development is seen. Poor cerebral maturation, as evidenced by decreased DNA content and reflected by small head circumference, is seen. Since the period of increasing cell number is complete by 6 months and the maximum growth of brain size is seen during the first two years, with 80% completion by the end of that time, the period of effective intervention would indeed seem quite narrow. Further, the effects of malnutrition or under-nutrition as regards stunting of an individual, seems to have its major deleterious effects during the first several years of life. This, too, would require rapid intervention if we are going to break the cycle of poor nutrition.

Literature Review

Intellectual Ramifications

Briefly distilling the essence of work done in this field supporting the thesis that an individual cannot effectively compete are the following examples: 1) Dr. Cravioto has suggested that the neurointegrative development of malnourished children is lacking, resulting in a delay in developmental landmarks, decreased environmental responsiveness, a slowness in learning, as well as poor retention of what has been learned; 2) Dr. Birch has suggested that a major intial and continuting consequence of malnutrition is behavioral unresponsiveness, and as a result the child is relatively less responsive to this environment, and at the very least he will have less time in which to experience this environment and less time in which to learn; 3) Dr. Scrimshaw has pointed up the synergistic effects of infection and malnutrition. This propensity for increased infection on the part of the poorly nourished youngster leads to further compromise of an already stressed biological and behavioral fabric; 4) Stoch and Smythe followed a group of undernourished Cape Town children for 11 years. They point up that the intellectual performance of these youngsters is exceedingly poor. Sixty percent of the undernourished children fall below the level of the lowest child in the control group, and only one just exceeds the mean; 5) Eichenwald and Fry conclude that malnutrition in critical periods of early life can affect not only the physical and biochemical profile in these children, but has pronounced effect on their intellectual potential. The authors point out that poor protein nutrition and synthesis during brain development can result in permanent dysfunction. Some of this work is obviously incomplete, yet, it has been shown that along several different fronts, from an anthropometric to cellular level, one does see changes in the fetus and neonate who is nutritionally stressed.

Iron Deficiency Anemia

The above considerations which reflect the ongoing cellular changes are further compounded by other important variables. Iron deficiency anemia with low hematocrits, hemoglobin and hypochromic and microcytic red blood cells represents a problem in poor nutrition. Gutelius reports approximately 65% of Washington, D.C., Negroes exhibit iron-deficiency anemia (hemoglobin $<$ 10 gm%) between 12 and 17 months of age.

It is probably the most widespread nutritional deficiency recognized in the United States. The incidence is particularly high in low income populations. Iron deficiency has been implicated in playing a role in systemic disease, infection, growth, and possibly learning ability. These interrelationships appear to be due to the role of iron in essentially all cell systems, through iron dependent enzyme functions, and iron containing proteins involving the utilization of oxygen in various forms. In addition to its metabolic role, iron deficiency anemia is merely a symptom of a more general nutritional and/or environmental problem which should be used as an index to a potentially broader problem while being dealt with as a health problem in its own right. Thus, these and other parameters of poor nutrition dovetail to generate an individual of less than optimum ability to function within his own society. We see what Cravioto has called in an ecological sense a "spiral effect".

Pilot Infant Feeding Program

Design

The above findings prompted the initiation of a pilot study for the nutritional reinforcement of high risk infants. In progress in Baltimore City since early 1972, it is aimed at providing a nutritional headstart for inner city infants through the distribution of iron fortified infant formula.

The objectives to be achieved through the distribution of formula were:

1. To provide a rich source of biologically superior protein to enchance neurological maturation and development during the first twelve months of life.
2. To provide iron to modify and eliminate the alarmingly high prevalence of nutritional anemia in the infants of the poor.
3. To promote optimal growth of height, weight and head circumference.
4. To assist mothers in applying sound nutritional principles in the feeding of their youngsters, as well as others in the home.

It was the purpose of this study to determine the biological, dietary, and educational impact on infants and family through the distribution of iron-fortified infant formula to a popualtion of high risk infants in urban and rural settings.

Parents were encouraged to return with their infants to the clinic at 3, 6, 9, and 12 months. At each visit height, weight, and head circumference were taken and recorded. Hematocrits were obtained at the same time. At the conclusion of the visit, a case or more of infant formula, initially powder and then concentrated, was distributed.

Population:

The population characteristics, as may be seen in Table I, indicates 70% of the families were on ~~medical~~ financial assistance, with a majority of the parents not having completed high school. Many were from a disorganized social background. The infants drawn from the lowest socio-economic census tracts in Baltimore City were all utilizing Baltimore City Health Department child health clinics.

Data previously tabulated on the heights and weights of the federally sponsored Children and Youth Project infants was used for comparison. It was felt that these children, comparable socio-demographically to the infants receiving formula, were the recipients of comprehensive medical care and should have reflected a state of health and growth which was presumed to be appropriate for the community.

Results:

Results indicate that length is improved in those infants participating in the infant formula program. Whereas the infants receiving formula reflected excess numbers of children below the third and tenth percentile in length at the initial clinic visit; by the third and fourth clinic visit at approximately 9-11 months of age, their pattern of growth reflected normal distribution as measured by the well accepted and recognized Boston-Stuart growth standards. (Table II).

A similar pattern for weight is observed. Initially, even with the exclusion of premature infants from the data, greater than expected, numbers of infants are found below the lowest percentiles for weight. There is significant improvement at the end of the first year. It is not the case in the infants not enrolled in an organized infant feeding program. (Table III)

Hematocrits are improved towards the end of the first year. This is noted despite the increasing incidence of iron deficiency anemia commonly reported at one year of age. On enrollment 7% had deficient hematocrits and 36% low hematocrits. Towards the end of the first year, no infants in the infant feeding program had a deficient hematocrit with only 17% now demonstrating a low hematocrit (Table IV).

The head circumference in the population studied showed no increase in the observed over expected ratios upon enrollment. (Table V).

Current Project

These encouraging preliminary results have led us to undertake a more comprehensive study to determine the impact of such a program in selected high risk areas of Baltimore City and the rural Eastern Shore counties of Maryland. This will permit us to gain experience with and evaluate a more heterogeneous program firmly rooted in city, county, and state health services. We feel this is important because nutrition as an independent activity is improper and nutrition as an independent variable in any research program reported to date has not been demonstrated as being significant.

We have made several revisions in the design of the program:

1) Controls were drawn at the same time and are comparably matched. On the Eastern Shore, one of the nine counties is serving as the control county. In Baltimore City, comparably matched low income housing projects in the same geographic area of the city and serviced by the same health and social service facilities are being used as experimental and control populations (Figure 1 and 2).

2) The distribution system has taken the form of a check redemption system. The health department will no longer have to receive, physically store, inventory, and distribute cases of formula.

A cooperative effort between the two leading infant formula laboratories, commercial banking channels, and merchants has permitted us to devise a system whereby checks are given to the mother or guardian at each well-baby visit for the redemption at participating merchants for infant formula. The number of checks given is determined by the public health nurse and spans the interval of time until the next clinic visit.

The merchants deposit these checks to his account and is immediately credited with the face amount of the check. The check is routed as is any other negotiable check. The bank then sends us a statement bimonthly which permits us to track and monitor the level of compliance of each participant in the program. In this way, within a 20 day turn around period, we know which counties or groups of individuals are in need of special attention (Figure 3).

3) Emphasis is being given to determining the environmental elements contributing to poor food habits within the family, and more specifically as they affect the infant. It is increasingly apparent that this is a major determinant of the infants nutritional status. Social and familial disorganization, more than lack of food may well be the root cause of undernutrition (Figures 4,5, and 6).

4) Knowledge attitudes and practices with respect to food being obtained from each mother or guardian. This will permit us to profile the specific characteristics of each family as they relate to the infants nutrition. It is hoped that this will provide an index to families at risk for poor nutrition (Figures 4,5, and 6).

5) Nutrition education is being emphasized. We are attempting to determine whether education alone or coupled with formula enhances and optimizes the growth of the infant and other sibling during the first year. The design will

also permit us to evaluate whether those groups that do not receive nutrition education are at any disadvantage.

6) Developmental data is being obtained on the experimental and control infants.

It is expected that a comprehensive picture will emerge at the conclusion of the study as to the role of each specific element as it may influence the total program. The data should provide objective information on assessing the cost and effectiveness of a nutritional program aimed at preventing rather than remediating poor nutrition.

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TABLE I

DEMOGRAPHIC CHARACTERISTICS OF MOTHER'S IN
THE CHERRY HILL PROGRAM (N=170)

Mean Age	22.8
Mean Gravidity	2.7
Living Children Per Household	2.6
Mothers Maximum Education	11.1 years
Fathers Maximum Education	11.1 years
Percent on Financial Assistance	70%
Married	43%
Single	42%
Widowed	1%
Divorced	2%
Separated	9%
Not Stated	3%

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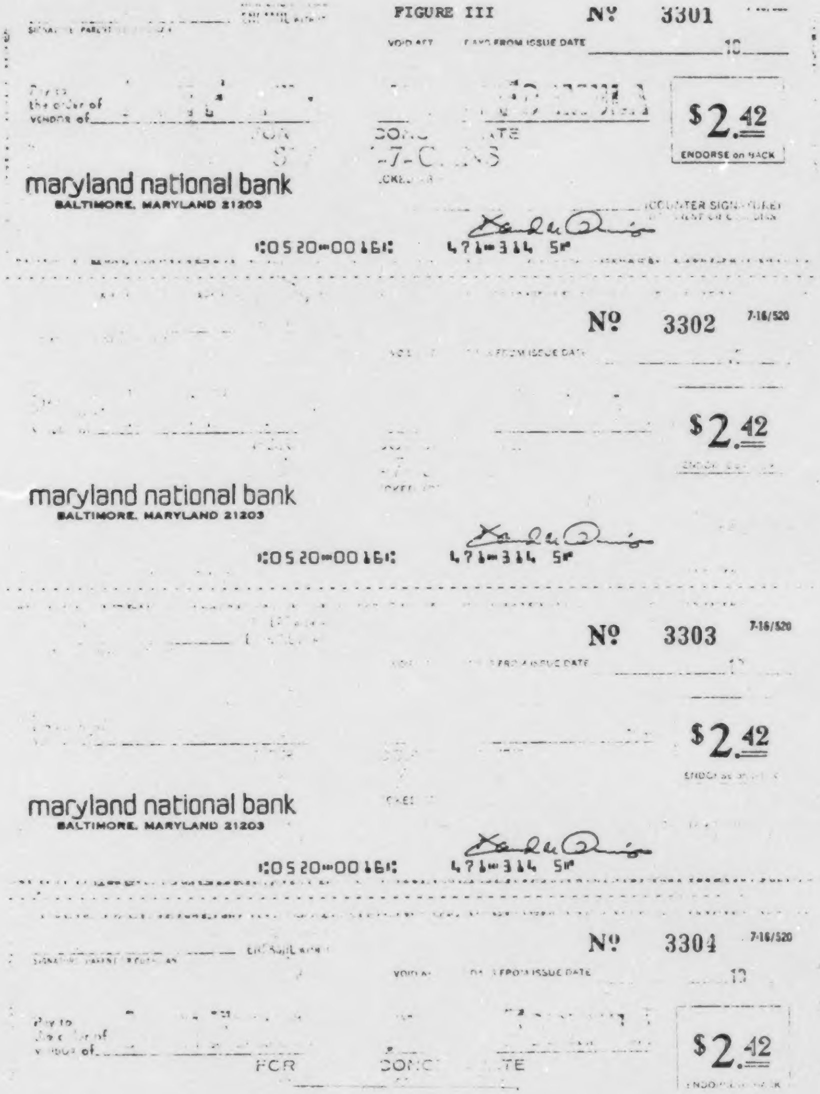
FIGURE III



Nº 3301

VOID AFTER [illegible] DAYS FROM ISSUE DATE 19

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Nº 3303 7-16/520

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BALTIMORE, MARYLAND 21203

⑆0520⑉0016⑆ 471⑉314 5⑈

Nº 3304 7-16/520

VOID AFTER [illegible] DAYS FROM ISSUE DATE 19

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TABLE II

HEIGHT
(n=170)

	Healthy Infants,* U.S. Standards (%)	Controls** (%)	Infant Formula Program 1st CV[1] (%)	3rd CV[2] (%)	4th CV[3] (%)
<3rd P rcentile	3	25	20	5	12
<10th Percentile	10		33	11	10
<25th Percentile	25	42	45	22	24
<50th Percentile	50	67	62	40	40
>50th Percentile	50	33	38	60	60

* Boston-Stuart Standards

** Baltimore City C&Y Children - Mean Values through 11mos. of age (n=356)

[1] Enrollment, Approximate Age, 2 mos.

[2] Approximate Age, 6 mos.

[3] Approximate Age, 9-11mos. (n=84)

TABLE III

WEIGHT
(n = 170)

	Healthy Infants* U.S. Standards (%)	Controls** (%)	Infant Formula Program 1st CV[1] (%)	3rd CV[2] (%)	4th CV[3] (%)
<3rd Percentile	3	19	8	4	4
<10th Percentile	10		27	11	11
<25th Percentile	25	41	38	24	21
<50th Percentile	50	62	65	39	46
>50th Percentile	50	38	35	61	54

* Boston-Stuart Standards

** Baltimore City C&Y Children - Mean Values through 11 mos. of age (n=356)

[1] Enrollment, Approximate Age, 2 mos.

[2] Approximate Age, 6 mos.

[3] Approximate Age, 9-11 mos. (n=84)

TABLE IV

HEMATOCRIT
(n=161)

	Healthy Infants[*] (%)	1st CV[1] (%)	3rd CV[2] (%)	4th CV[3] (%)
<30% (Deficient)	0	7.5	1.9	0
30-33.9% (Low)	0	36.5	22.4	17.3
≥34% (Acceptable)	100%	56.0	75.8	82.7

[*] ICNND Standards

[1] Enrollment, Approximate Age, 2 mos.

[2] Approximate Age, 6 mos.

[3] Approximate Age, 9-11 mos. (n=84)

TABLE V

HEAD CIRCUMFERENCE
(N=170)

	Healthy Infants, U.S. Standards* (%)	Infant Formula Program 1st CV[1] (%)	 3rd CV[2] (%)	 4th CV[3] (%)
<3rd Percentile	3	2.0	0.6	1.3
<10th Percentile	10	8.7	3.6	3.8
<25th Percentile	25	23	10	14
<50th Percentile	50	47	30	39
>50th Percentile	50	53	70	61

* Boston-Stuart and Nellhaus Standards

[1] Enrollment, Approximate Age, 2 mos.

[2] Approximate Age, 6 mos.

[3] Approximate Age, 9-11 mos. (n=84)

STATE OF MARYLAND FIGURE I

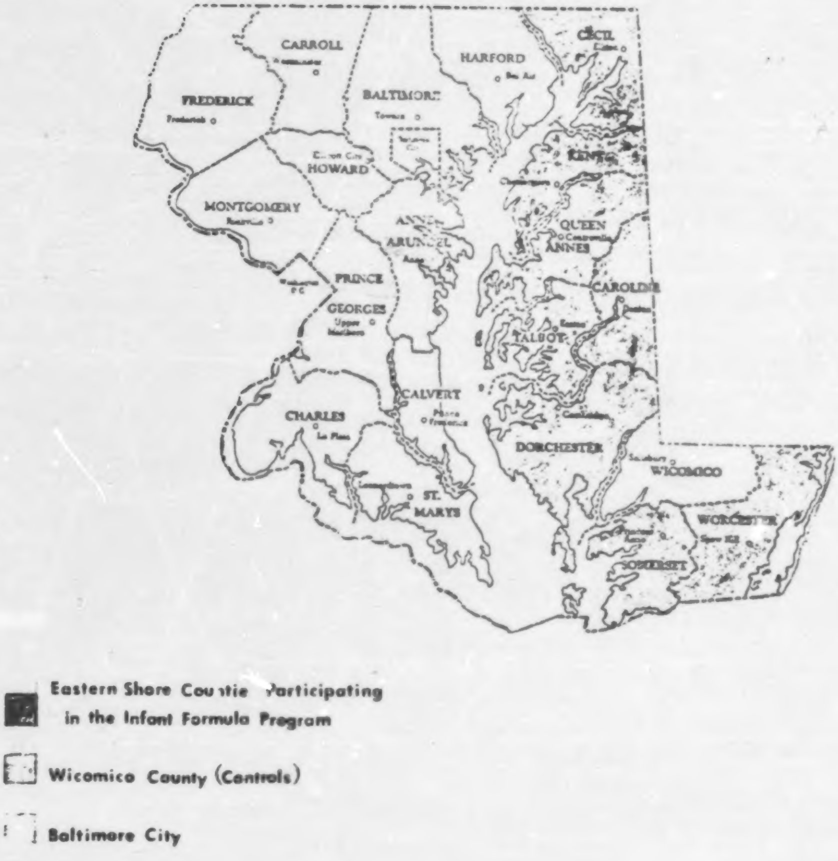
CARROLL
FREDERICK
Frederick
BALTIMORE
Towson
HARFORD
Bel Air
CECIL
KENT
HOWARD
MONTGOMERY
ANNE ARUNDEL
QUEEN ANNES
PRINCE GEORGES
Upper Marlboro
CAROLINE
Easton
TALBOT
CALVERT
CHARLES
La Plata
Cambridge
DORCHESTER
Salisbury
WICOMICO
Leonardtown
ST. MARYS
WORCESTER
SOMERSET
Eastern Shore Counties Participating in the Infant Formula Program
Wicomico County (Controls)
Baltimore City

FIGURE II

BALTIMORE CITY

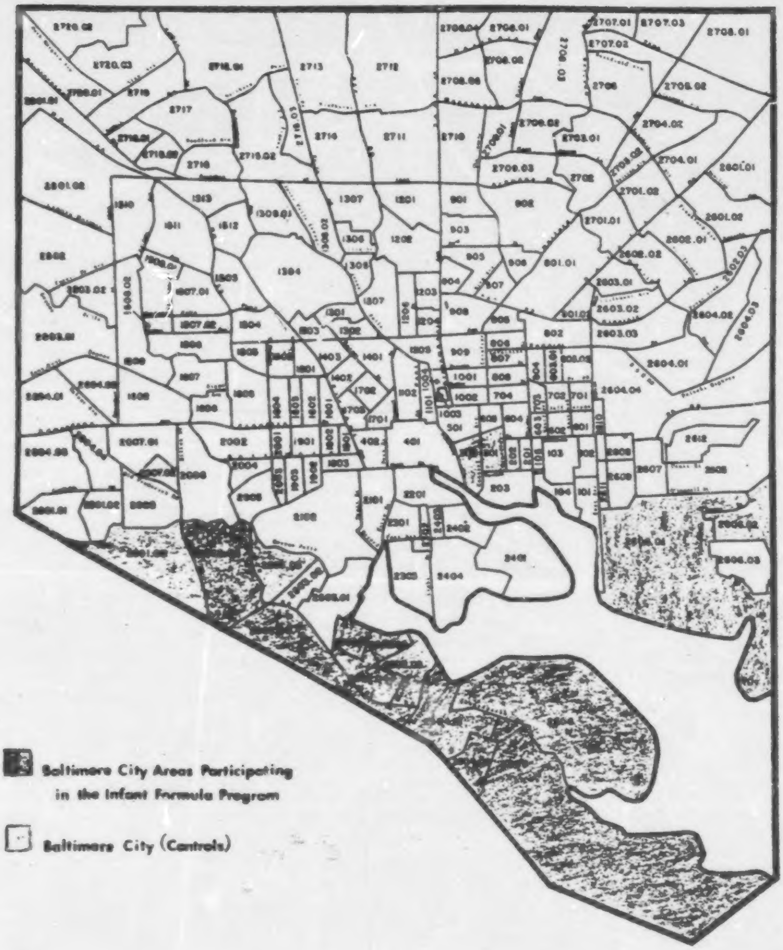
▨ Baltimore City Areas Participating in the Infant Formula Program
☐ Baltimore City (Controls)

FIGURE IV

PRENATAL QUESTIONNAIRE

M.A.#: ____________ Clinic Location: ____________

Infant I.D.

▨	▨	☐	☐	☐	☐
1	2	3	4	5	6

Mother's Name: ______________________________
Last First Maiden

Mother's Birth Date: __/__/__

Interview Date: __/__/__

To be completed by Clinic Personnel

County	Form	Yr. of Birth	Race
☐☐	1	☐☐	☐
7 8	9	10 11	12

13. What is your marital status?

- 1 ☐ Single
- 2 ☐ Married
- 3 ☐ Separated
- 4 ☐ Divorced
- 5 ☐ Widowed

14 How many children do your already have? (Circle the number)

None 1 2 3 4 5
6 7 8 or more

15. How many of these children are under five years of age?

None 1 2 3 4 5
6 7 8 or more

16. What was the last grade of school you completed?

- 0 ☐ No schooling
- 1 ☐ Grade 1 through 6
- 2 ☐ 7th through 9th grade
- 3 ☐ 10th grade
- 4 ☐ 11th grade
- 5 ☐ 12th grade
- 6 ☐ Technical or Vocational (After high school)
- 7 ☐ Attended college
- 8 ☐ College graduate or beyond

17. Where have you spent most of your life?

- 1 ☐ Large city
- 2 ☐ Small city
- 3 ☐ Suburbs of large city
- 4 ☐ Small town
- 5 ☐ Farm

We would like to know about the baby's father:

18. What was the last grade of school he completed?

- 0 ☐ No schooling
- 1 ☐ Grade 1 through 6
- 2 ☐ 7th through 9th grade
- 3 ☐ 10th grade
- 4 ☐ 11th grade
- 5 ☐ 12th grade
- 6 ☐ Technical or Vocational (after high school)
- 7 ☐ Attended college
- 8 ☐ College graduate or beyond

19. Is he presently employed?

- 1 ☐ Yes, full-time
- 2 ☐ Yes, part-time
- 3 ☐ No
- 4 ☐ Don't know

Family Housing
We would like you to tell us something about your family's housing:

20-21. How many people live in your house? (Write in total number, including yourself)

____

22. Where do you live?

- 1 ☐ House, owned
- 2 ☐ House, rented
- 3 ☐ Apartment, private rental
- 4 ☐ Apartment, public housing, rental
- 5 ☐ Trailer, owned
- 6 ☐ Trailer, rented
- 7 ☐ Other, specify ____________

23. How many children five years or younger live in your house?

None 1 2 3 4 5

6 7 8 or more

24-25. How many rooms are in your house? (Don't count bathrooms or toilets)

____

26. How many indoor working toilets do you have?

0 ☐ None

1 ☐ One

2 ☐ Two

3 ☐ Three or more

27. Do you have running water inside your house?

1 ☐ Yes 2 ☐ No

28. How do you feel about the cooking arrangements in your house?

1 ☐ Good

2 ☐ Fair

3 ☐ Poor

29. Do you have a working refrigerator?

1 ☐ Yes 2 ☐ No

30. Do you have a working stove?

1 ☐ No

2 ☐ Yes, with working oven

3 ☐ Yes, no working oven

31. Do you have enough storage space for food?

1 ☐ Yes 2 ☐ No

32-34. How much money does your family usually spend for food each month?

☐☐☐ Dollars monthly

35. Who is the one person who does most of the cooking for your family?

1 ☐ I do

2 ☐ My mother or guardian

3 ☐ My grandmother

4 ☐ The baby's father

5 ☐ Other relative or friend

36-37. How many people does this person cook for?

_____ (Don't forget yourself)

38. How many of these people are under two years old?

None 1 2 3 4 5

6 7 8 or more

39. How many of these people are three through five years old?

None 1 2 3 4 5

6 7 8 or more

40. Are you in the Food Stamp Program?

1 ☐ Yes

2 ☐ No, I am not eligible

3 ☐ No, don't know if I am eligible

4 ☐ No, not interested or too much trouble

5 ☐ Don't know about program

41. Do you get a check from the Department of Social Services (Welfare)?

1 ☐ Yes 2 ☐ No

42. Are you getting extra money from the Department of Social Services because you are pregnant? (The extra person allowance)

1 ☐ Yes 2 ☐ No

Please circle one answer in each of the following questions:

43. How many children in your house go to school?

None 1 2 3 4 5

6 7 8 or more

44. How many children regularly eat lunch in a school lunch program?

None 1 2 3 4 5

6 7 8 or more

45. How many receive this lunch free?

None 1 2 3 4 5

6 7 8 or more

46. How many children regularly eat breakfast in a school breakfast program?

None 1 2 3 4 5

6 7 8 or more

47. How many children regularly eat meals in a day care program?

None 1 2 3 4 5

6 7 8 or more

We would like your opinion about the following foods:

Which of these foods do you think will give iron to a baby? (Please answer each question)

48. 1 ☐ Yes 2 ☐ No Baby cereal

49. 1 ☐ Yes 2 ☐ No Mashed potato

50. 1 ☐ Yes 2 ☐ No Regular cow's milk

51. 1 ☐ Yes 2 ☐ No Baby meat

52. What do you think is the main reason we need iron in our food? (Check only one)

1 ☐ To make us grow tall
2 ☐ To build blood
3 ☐ To help digest food
4 ☐ To keep our bowels regular

53. Do you think you need to add sugar to a baby's cereal or fruit to make it taste better?

1 ☐ Yes 2 ☐ No

54. What is the most important reason for eating foods with protein?

1 ☐ To give us vitamins
2 ☐ To make strong teeth
3 ☐ As a body builder
4 ☐ To help us sleep
5 ☐ I don't know

55. Do you think a baby needs salt added to his food to make it taste better?

1 ☐ Yes 2 ☐ No

56. Would you add grease or fat back or bacon to a baby's food?

1 ☐ Yes 2 ☐ No

57. Which one of the following foods is the best way for a baby to get protein?

1 ☐ Soup
2 ☐ Juice
3 ☐ Baby desserts
4 ☐ Formula
5 ☐ Fruit
6 ☐ Baby dinners

Which of these foods could you use to give your family protein? (Please answer each question)

58. 1 ☐ Yes 2 ☐ No Dried beans
59. 1 ☐ Yes 2 ☐ No Bread
60. 1 ☐ Yes 2 ☐ No Milk
61. 1 ☐ Yes 2 ☐ No Peanut butter
62. 1 ☐ Yes 2 ☐ No Sugar
63. 1 ☐ Yes 2 ☐ No Meat

64. Is regular cow's milk straight from the carton as good as any other formula or milk preparation for a new baby?

1 ☐ Yes 2 ☐ No 3 ☐ Don't know

65. Was the present pregnancy planned?

1 ☐ Yes 2 ☐ No

66. Have you ever had classes in cooking or home economics?

1 ☐ No
2 ☐ Yes, in school
3 ☐ In adult education
4 ☐ In extension service
5 ☐ In 4-H Club

Now we would like you to tell us about how you fed your last baby. If this will be your first baby, you do not need to answer any more questions. Thank you.

67. How old is the last baby?

1 ☐ Less than 1 year old
2 ☐ Age 1
3 ☐ Age 2
4 ☐ Age 3
5 ☐ Age 4
6 ☐ Age 5
7 ☐ Age 6 and older

68. What was the very first kind of milk you fed the last baby?

1 ☐ Breast milk
2 ☐ Commercial formula with iron (For example, Similac, Enfamil)
3 ☐ Commercial formula without iron (For example, Similac, Enfamil)
4 ☐ Evaporated milk formula(Pet, Carnation)
5 ☐ Cow's milk
6 ☐ Other (Please specify)______________

69. If you changed the formula or milk before the baby was 6 weeks old, what was the main reason?

0 ☐ Did not change
1 ☐ Diarrhea
2 ☐ Constipation
3 ☐ Vomiting
4 ☐ Allergic rash
5 ☐ Diaper rash
6 ☐ Spitting up
7 ☐ Stopped breast feeding
8 ☐ Other, specify ______________________

70. Who decided to change the formula or milk before 6 weeks?

1 ☐ Did not change

2 ☐ Doctor

3 ☐ Clinic Nurse

4 ☐ Infant's mother

5 ☐ Infant's grandmother

6 ☐ Other relative or friend

71. How old was the baby when you stopped feeding him formula?

0 ☐ Less than 2 months

1 ☐ 2 months

2 ☐ 3 months

3 ☐ 4 months

4 ☐ 5 through 6 months

5 ☐ 7 through 8 months

6 ☐ 9 through 10months

7 ☐ 11 through 12 months

8 ☐ Don't remember

72. After you stopped feeding the baby formula what kind of milk did you feed him?

1 ☐ Regular cow's milk

2 ☐ Evaporated milk (Pet, Carnation) mixed with water

3 ☐ Evaporated milk, straight from can

4 ☐ Skim milk

5 ☐ Other, specify________________________

73. How old was the baby when you started to feed him solid foods in addition to formula or milk?

0 ☐ Less than 1 month

1 ☐ 1 month

2 ☐ 2 months

3 ☐ 3 months

4 ☐ 4 months

5 ☐ 5 through 6 months

6 ☐ 7 through 9 months

7 ☐ 10 through 12 months

8 ☐ Over 1 year

74. How old was the baby when he finally gave up day-time bottles?

0 ☐ Less than 6 months

1 ☐ 6 through 8 months

2 ☐ 9 through 11 months

3 ☐ 1 year

4 ☐ 1 1/2 years

5 ☐ 2 years

6 ☐ 2 1/2 years

7 ☐ 3 years and older

8 ☐ Has not yet given up day-time bottles

75. Which one of the following statements best fits how you felt about feeding your last baby?

1 ☐ Easier than expected

2 ☐ I had no problems

3 ☐ Harder than I expected

4 ☐ I couldn't wait for him to feed himself

76. How do you feel about feeding the new baby?

1 ☐ I expect it will be harder than last time

2 ☐ It will be the same as last time

3 ☐ It will be easier than last time

77. Do you feel that you had enough time to feed your last baby?

1 ☐ Always

2 ☐ Most of the time

3 ☐ Some of the time

4 ☐ Rarely

5 ☐ Never

Thank you for taking the time to answer our questions. Your help will make it easier for us to talk with mothers about feeding their children.

INFANT ENROLLMENT INTERVIEW

Clinic Location: ________ ________

Baby's Given Name: ________ ________ ________
Last First Middle

Baby's Birth Date: __/__/__

Mother's Name: ________ ________ ________
Last First Maiden

To be completed by Clinic Personnel

Interview Date: _/_/_

Infant I.D.
▨ ▨ ☐ ☐ ☐ ☐
1 2 3 4 5 6
County Form

☐☐ 2
7 8 9

10. What is your relationship to the baby?
1☐ Mother
2☐ Stepmother
3☐ Adoptive-mother
4☐ Foster mother
5☐ Other relative
6☐ No relation

11. Who is the one person who usually takes care of the baby?
1☐ Mother
2☐ Grandmother
3☐ Other relative
4☐ A friend

12. Who does the baby live with?
1☐ Mother
2☐ Father
3☐ Both parents
4☐ Grandparent
5☐ Other relative
6☐ A friend

13. Do you pay anyone to take care of the baby?
1☐ Yes, regularly
2☐ Yes, frequently
3☐ Yes, but not often
4☐ No, never

The following questions are concerned with the baby's mother:

14. Your marital status:
1☐ Single
2☐ Married
3☐ Separated
4☐ Divorced
5☐ Widowed

15. Are you presently employed?
1☐ Yes, full-time
2☐ Yes, part-time
3☐ No

16. What was the last grade of school you completed?
0☐ No schooling
1☐ Grade 1 through 6
2☐ 7th through 8th
3☐ 9th grade
4☐ 10th grade
5☐ 11th grade
6☐ 12th grade
7☐ Technical or Vocational (After High School)
8☐ Attended College
9☐ College graduate

17. Where have you spent most of your life?
1☐ Large city
2☐ Small city
3☐ Suburbs of large city
4☐ Small town
5☐ Farm

18. How long have you lived at your present address?
1☐ Less than 1 year
2☐ 1-3 years
3☐ More than 3 years

We would also like to know about the baby's father?

19. Is he presently employed?
1☐ Yes, full-time
2☐ Yes, part-time
3☐ No
4☐ Don't know

20. What was the last grade of school he completed?

0☐ No schooling
1☐ Grade 1 through 6
2☐ 7th through 8th
3☐ 9th grade
4☐ 10th grade
5☐ 11th grade
6☐ 12th grade
7☐ Technical or Vocational (After High School)
8☐ Attended College
9☐ College graduate

Here are some more questions about you and the baby:

21. Do you plan to have more children?

1☐ Yes, within next two years
2☐ Yes, but don't know when
3☐ Not sure
4☐ No
5☐ Unable to have more

22. Was this baby the result of a planned pregnancy?

1☐ Yes
2☐ No

23. Who provides at least half of the financial support for the baby?

1☐ Baby's father
2☐ Baby's mother
3☐ Both parents
4☐ Guardian
5☐ Grandparent
6☐ Other relative
7☐ Welfare

24. Do you now receive Medical Assistance or Welfare?

1☐ Medical Assistance and Welfare
2☐ Medical Assistance alone
3☐ Welfare alone
4☐ No assistance

Family Housing

We would like you to tell us something about your family's housing:

25-26. How many people live in your house? (Write in total number, including Yourself)_____

27. Where do you live?

1☐ House, owned
2☐ House, rented
3☐ Apartment, private rental
4☐ Apartment, public housing, rental
5☐ Trailer, owned
6☐ Trailer, rented
7☐ Other, please explain__________

28. How many children five years or younger live in your house?
None 1 2 3 4 5
6 7 8 or more

29-30. How many rooms are in your house? (Don't count bathrooms or toilets)
_____

31. How many indoor working toilets do you have?

0☐ None
1☐ One
2☐ Two
3☐ Three or more

32. Do you have running water inside your house?

1☐ Yes 2☐ No

33. How do you feel about the cooking arrangements in your house?

1☐ Good
2☐ Fair
3☐ Poor

34. Do you have a working refrigerator?

☐ Yes 2☐ No

35. Do you have a working stove?

1☐ No
2☐ Yes, with working oven
3☐ Yes, no working oven

36. Do you have enough storage space for food?

1☐ Yes 2☐ No

We would like to ask you some questions about who does the shopping and cooking at your house

37. Where is the one place your family usually buys most of the food?

1 ☐ Large supermarket
2 ☐ Small supermarket
3 ☐ Neighborhood grocery store
4 ☐ Farm store or market

38. Is it difficult for your family to get to the food stores?

1 ☐ Always
2 ☐ Sometimes
3 ☐ Rarely
4 ☐ Never

39. How often is the food shopping usually done for your family?

1 ☐ Every day
2 ☐ Once a week
3 ☐ Twice a week
4 ☐ Every two weeks
5 ☐ Once a month
6 ☐ No special time

40. Which one person usually decides what food to buy for your family?

1 ☐ I do
2 ☐ My mother or guardian
3 ☐ My grandmother
4 ☐ The baby's father
5 ☐ My father
6 ☐ Other relative

41. Who is the one person who does most of the cooking for your family?

1 ☐ I do
2 ☐ My mother or guardian
3 ☐ My grandmother
4 ☐ The baby's father
5 ☐ Other relative or friend

42-43. How many people does this person cook for?______(Don't forget yourself)

44. How many of these people are under two years old?
None 1 2 3 4 5
6 7 8 or more

45. How many of these people are three through five years old?
None 1 2 3 4 5
6 7 8 or more

46. Are you in the Food Stamp Program?

1 ☐ Yes
2 ☐ No, I am not eligible
3 ☐ No, don't know if I am eligible
4 ☐ No, not interested or too much trouble
5 ☐ Don't know about program

Please circle one answer in each of the following questions:

47. How many children in your house go to school?
None 1 2 3 4 5
6 7 8 or more

48. How many children regularly eat lunch in a school lunch program?
None 1 2 3 4 5
6 7 8 or more

49. How many receive this lunch free?
None 1 2 3 4 5
6 7 8 or more

50. How many children regularly eat breakfast in a school breakfast program?
None 1 2 3 4 5
6 7 8 or more

51. Who usually feeds the baby?(This should be the person who makes the decisions about feeding the baby)

1 ☐ I always do
2 ☐ I usually do, with help
3 ☐ I sometimes do, with help
4 ☐ My mother
5 ☐ Other relative

Which of these foods do you think will give iron to a baby?(Please answer each question)

52.1 ☐ Yes 2 ☐ No Baby cereal
53.1 ☐ Yes 2 ☐ No Mashed potato
54.1 ☐ Yes 2 ☐ No Regular cow milk
55.1 ☐ Yes 2 ☐ No Baby meat

56. What do you think is the main reason we need iron in our food?(Check only one)

1 ☐ To make us grow tall
2 ☐ To build healthy blood
3 ☐ To help digest food
4 ☐ To keep our bowels regular
5 ☐ I don't know

57. What is the most important reason for eating foods with protein?

1 ☐ To give us vitamins
2 ☐ To make strong teeth
3 ☐ As a body builder
4 ☐ To help us sleep
5 ☐ I don't know

58. Do you think that the food a baby eats now can make any difference in how big he will grow?

1 ☐ Yes 2 ☐ No 3 ☐ I don't know

59. Which one of the following foods is the best way for a baby to get protein?

1 ☐ Soup
2 ☐ Juice
3 ☐ Baby desserts
4 ☐ Formula
5 ☐ Fruit
6 ☐ Baby dinners

Which of these foods could you use to give your family protein?(Please answer each question)

60. 1 ☐ Yes 2 ☐ No Dried beans
61. 1 ☐ Yes 2 ☐ No Bread
62. 1 ☐ Yes 2 ☐ No Milk
63. 1 ☐ Yes 2 ☐ No Peanut butter
64. 1 ☐ Yes 2 ☐ No Sugar
65. 1 ☐ Yes 2 ☐ No Meat

66. How often does your family cook vegetables?

1 ☐ Every day
2 ☐ 3-4 times a week
3 ☐ Once a week
4 ☐ Less than once a week

67. Who has helped you the most to learn what to feed your baby?(Pick only one)

1 ☐ Your mother or foster mother
2 ☐ Your grandmother
3 ☐ Friend, neighbor or other relative
4 ☐ Nurse
5 ☐ Health aide
6 ☐ Doctor
7 ☐ Dietitian or nutritionist
8 ☐ Books, pamphlets
9 ☐ Learned on own

68. How well do you think your baby is eating?

1 ☐ Very well
2 ☐ Alright
3 ☐ Should be eating better
4 ☐ Eating very poorly

69. What do you think about your baby's weight?

1 ☐ He is gaining more than average
2 ☐ Gaining about average
3 ☐ Not gaining enough

Thank you for taking the time to answer our questions. Your effort will be of great help to us.

We would also like to know if you are having any problems feeding your baby. If you have a problem, or if something is worrying you, please tell us.

FIGURE VI

INFANT ENROLLMENT INTERVIEW

Clinic Location ____________________

Infant I.D. ▨ ▨ ☐ ☐ ☐ ☐
1 2 3 4 5 6

Baby's Given Name: ______________________________
Last First Middle

County ☐☐ (7 8) Form 3 (9)

Baby's Birth Date: __/__/__ Interviewer: _______(Initials)

Mother's Name: ______________________________
Last First Middle

Interview Date: __/__/__

10-11. Mother's Height (Inches) ☐☐

12-14. Mother's Weight (Pounds) ☐☐☐

15-16. Father's Height (Inches) ☐☐

17-18. What type of milk or formula does the baby get now?

- 01 ☐ Breast milk alone
- 02 ☐ Breast milk supplemented by commercial formula with iron
- 03 ☐ Breast milk supplemented by commercial formula without iron
- 04 ☐ Commercial formula with iron
- 05 ☐ Commercial formula without iron
- 06 ☐ Evaporated milk formula
- 07 ☐ Evaporated milk, straight from can
- 08 ☐ Regular whole cow's milk formula
- 09 ☐ Regular whole cow's milk, nothing added
- 10 ☐ Skim milk
- 11 ☐ Other (Specify)____________

19. Does the baby get vitamin drops daily?

- 1 ☐ No
- 2 ☐ Yes, iron added
- 3 ☐ Yes, no iron added
- 4 ☐ No vitamins, but gets iron drops

20. Who advised giving baby vitamin or iron drops?

- 1 ☐ Doctor
- 2 ☐ Hospital Nurse
- 3 ☐ Public Health Nurse
- 4 ☐ Infant's grandmother
- 5 ☐ Relative or friend
- 6 ☐ Decided on own

21. How is the infant formula prepared?

- 1 ☐ Doesn't use prepared formula
- 2 ☐ Follows directions
- 3 ☐ Adds too much water
- 4 ☐ Doesn't add enough water

REMINDER FOR INTERVIEWER:
1. Liquid concentrate-equal parts water and concentrate
2. Evaporated milk-about 2 parts milk to three of water
3. Ready to Feed-add no water

22. If baby is fed evaporated milk formula, how much sugar or syrup is added to each can of milk?

- 1 ☐ Doesn't use evaporated milk formula
- 2 ☐ No sugar added
- 3 ☐ Less than 2 tablespoons
- 4 ☐ 2-4 tablespoons
- 5 ☐ More than 4 tablespoons

23. Do you add sugar or syrup to commercial formula?

- 1 ☐ Never
- 2 ☐ Occasionally
- 3 ☐ Most of the time
- 4 ☐ Always

24. How many feedings does the baby get during an average 24 hour period? ☐

25-26. How many ounces does the baby take at any average feeding? ☐☐

27. How much formula or milk does the baby take each 24 hours?

- 1 ☐ Less than 16 ounces
- 2 ☐ 16 through 19 ounces
- 3 ☐ 20 through 23 ounces
- 4 ☐ 24 through 27 ounces
- 5 ☐ 28 through 32 ounces
- 6 ☐ Over 32 ounces

28-29. What milk or formula has the baby been fed besides the one he is getting now?

01 ☐ Has not been fed any other
02 ☐ Breast milk alone
03 ☐ Breast milk supplemented by formula with iron
04 ☐ Breast milk supplemented by formula without iron
05 ☐ Commercial formula with iron
06 ☐ Commercial formula without iron
07 ☐ Evaporated milk formula
08 ☐ Evaporated milk, straight from can
09 ☐ Regular whole cow's milk formula
10 ☐ Regular whole cow's milk, nothing added
11 ☐ Skim milk
12 ☐ Other (Specify)____________________

30. How old was the baby when the formula or milk was changed?

1 ☐ Did not change 4 ☐ 5 to 6 weeks
2 ☐ Less than 2 weeks 5 ☐ 7 to 8 weeks
3 ☐ 2 to 4 weeks 6 ☐ Over 8 weeks

31. What was the single most important reason for changing the formula?

1 ☐ Did not change
2 ☐ Diarrhea
3 ☐ Constipation
4 ☐ Vomiting
5 ☐ Allergic rash
6 ☐ Diaper rash
7 ☐ Spitting up
8 ☐ Stopped breast feeding
9 ☐ Other, specify____________________

32. Who advised changing the formula or milk?

1 ☐ Did not change
2 ☐ Doctor
3 ☐ Clinic Nurse
4 ☐ Infant's mother
5 ☐ Infant's grandmother
6 ☐ Other relative or friend

33. Do you prop the bottle when you feed the baby?

1 ☐ All of the time
2 ☐ Usually
3 ☐ Now and again
4 ☐ Only when baby is put down to sleep
5 ☐ Never

34. What do you do with the formula left in a bottle after the baby is fed?

1 ☐ Throw it away
2 ☐ Put in refrigerator
3 ☐ Leave near the baby
4 ☐ Leave in kitchen
5 ☐ Carry it around until baby is hungry again

35. How long would you keep this unfinished formula before throwing it away?

1 ☐ I don't keep it 3 ☐ Half a day
2 ☐ A couple of hours 4 ☐ A whole day

36. Do you wash or sterilize the formula bottle?

1 ☐ Always
2 ☐ Almost all of the time
3 ☐ Most of the time
4 ☐ Some of the time
5 ☐ Rarely
6 ☐ Never

37. Do you think you need to add sugar to your baby's cereal or fruit to make it taste better?

1 ☐ Yes 2 ☐ No 3 ☐ Don't know

38. Do you think it is necessary to give a baby less than 3 months old any other food besides formula?

1 ☐ Yes 2 ☐ No 3 ☐ Don't know

39. Is regular cow's milk straight from the carton as good as any other formula or milk preparation for a new baby?

1 ☐ Yes 2 ☐ No 3 ☐ Don't know

40. Would you add grease or fat back or bacon to a baby's food?

1 ☐ Yes 2 ☐ No

41. Do you think that the food a baby eats now can make any difference in how big he will grow?

1 ☐ Yes 2 ☐ No 3 ☐ Don't know

42. Can a baby be given more food than is good for him?

1 ☐ Yes 2 ☐ No 3 ☐ Don't know

43. Do you think a baby needs salt added to his food to make it taste better?

1 ☐ Yes 2 ☐ No 3 ☐ Don't know

44. If you were giving a baby a new food from a jar, would you say that a mixed dinner is as good as plain baby food?

1 ☐ Yes 2 ☐ No

tells how you feel?

1 ☐ I don't have other children

2 ☐ It is harder than last time

3 ☐ It is about the same as last time

4 ☐ It is easier than last time

1 ☐ Always easy to feed

2 ☐ Easy to feed most of the time

3 ☐ Easy to feed sometimes

4 ☐ Rarely easy to feed

5 ☐ Never

46. Do you feel you have enough time to feed the baby?

1 ☐ Always
4 ☐ Rarely
2 ☐ Most of the time
5 ☐ Never
3 ☐ Some of the time

48-50. How much money does your family usually spend for food each month?

☐☐☐ Dollars monthly

FOR OFFICE USE ONLY
51 Card 1
Second Card
1-9 Repeat columns 1-9 (I.D.)
10 Card 2

Most babies are getting some other foods in addition to formula or milk. We would like to know what other foods your baby is getting, how often, and how much of each.

FOOD	AMOUNT GIVEN IN A FEEDING	TIMES PER DAY	TIMES PER WEEK
Baby cereal from box (tablespoons)	11. 1 ☐ one tbsp. 2 ☐ two tbsp. 3 ☐ three tbsp. 4 ☐ four or more	12. 1 ☐ one 2 ☐ two 3 ☐ three 4 ☐ four	13-14 ☐☐
Baby cereal from jar (part of jar)	15. 1 ☐ 1/4 jar 2 ☐ 1/2 jar 3 ☐ 3/4 jar 4 ☐ one jar	16 1 ☐ one 2 ☐ two 3 ☐ three 4 ☐ four	17-18. ☐☐
Juice (ounces)	19. 1 ☐ one oz. 2 ☐ two oz. 3 ☐ three oz. 4 ☐ four oz. 5 ☐ five or more	20. 1 ☐ one 2 ☐ two 3 ☐ three 4 ☐ four	21-22. ☐☐
Strained fruits (part of jar)	23. 1 ☐ 1/4 jar 2 ☐ 1/2 jar 3 ☐ 3/4 jar 4 ☐ one jar	24. 1 ☐ one 2 ☐ two 3 ☐ three	25-26. ☐☐
Strained vegetables (part of jar)	27 1 ☐ 1/4 jar 2 ☐ 1/2 jar 3 ☐ 3/4 jar 4 ☐ one jar	29. 1 ☐ one 2 ☐ two 3 ☐ three	29-30 ☐☐
Baby desserts or puddings (part of jar)	31. 1 ☐ 1/4 jar 2 ☐ 1/2 jar 3 ☐ 3/4 jar 4 ☐ one jar	32 1 ☐ one 2 ☐ two 3 ☐ three	33-34. ☐☐

FOOD	AMOUNT GIVEN IN A FEEDING	TIMES PER DAY	TIMES PER WEEK
Baby dinners (part of jar)	35. 1 ☐ 1/4 jar 2 ☐ 1/2 jar 3 ☐ 3/4 jar 4 ☐ one jar	36. 1 ☐ one 2 ☐ two 3 ☐ three	37-38. ☐☐
Baby meats (part of jar)	39. 1 ☐ 1/4 jar 2 ☐ 1/2 jar 3 ☐ 3/4 jar 4 ☐ one jar	40. 1 ☐ one 2 ☐ two 3 ☐ three	41-42. ☐☐
Whole eggs (teaspoons)	43. 1 ☐ one tsp. 2 ☐ two tsp. 3 ☐ three tsp. 4 ☐ four or more	44 1 ☐ one 2 ☐ two 3 ☐ three	45-46 ☐☐
Egg yolks (teaspoons)	47. 1 ☐ one tsp. 2 ☐ two tsp. 3 ☐ three tsp. 4 ☐ four or more	48. 1 ☐ one 2 ☐ two 3 ☐ three	49-50. ☐☐
Mashed potatoes and gravy (tablespoons)	51. 1 ☐ one tbsp. 2 ☐ two tbsp. 3 ☐ three tbsp. 4 ☐ four tbsp. 5 ☐ five or more	52. 1 ☐ one 2 ☐ two 3 ☐ three or more	53-54. ☐☐
Other table foods (tablespoons)	55. 1 ☐ one tbsp. 2 ☐ two tbsp. 3 ☐ three tbsp. 4 ☐ four tbsp. 5 ☐ five or more	56. 1 ☐ one 2 ☐ two 3 ☐ three or more	57-58. ☐☐
Soda or Koolaid (ounces)	59. 1 ☐ one oz. 2 ☐ two oz. 3 ☐ three oz. 4 ☐ four oz. 5 ☐ five or more	60 1 ☐ one 2 ☐ two 3 ☐ three 4 ☐ four or more	61-62 ☐☐
Sugar water or tea with sugar (ounces)	63. 1 ☐ one oz. 2 ☐ two oz. 3 ☐ three oz. 4 ☐ four oz. 5 ☐ five or more	64 1 ☐ one 2 ☐ two 3 ☐ three 4 ☐ four or more	65-66. ☐☐

Dr. PAIGE. Thank you very much, and I intend to curtail my comments and summarize as best I can for time factors.

I am David M. Paige, associate professor of maternal and child health and assistant professor of pediatrics at the Johns Hopkins University School of Hygiene and Public Health and School of Medicine. I have been asked to testify in support of strenghening and expanding the existing child nutrition legislation.

Undernutrition in disadvantaged children has been recognized with increasing frequency over the past several years. Attention has focused on various programs designed to redress the poor nutritional indices noted in these children. The school feeding program has served as one vehicle for achieving this goal. Other approaches have taken the form of commodity distribution, food stamps and nutrition education.

I was pleased to note this morning that the Assistant Secretary of Agriculture had taken note along with school lunch programs and breakfast programs the nutritional reinforcement to preschool and infant populations and it is in this spirit that I wish to enter my testimony.

The ramifications of inadequate nutrition cannot effectively be conceptualized for any point in time. To fully comprehend the extent of the problem, malnutrition must be considered a continuum. That is to say that an insidious cycle of events, often originating in utero, continues to take place throughout the individual's life. The nutritionally deprived infant manifests objective criteria of malnutrition in terms of stunting of height, weight, small head circumference and other quantifiable, biological, and biochemical parameters. These infants have already had the groundwork laid for a less than optimal future. It is suggested that this group of youngsters who have not had their depressed nutritional status redressed during the critical period of infancy may not be amenable to modification at a later date.

During this early infant experience, if the already disturbed nutritional status of this infant contines to be stressed, the further sequelae of a loss of full potential of growth and development is seen. This is manifest in terms of poor cerebral maturation, as evidenced by decreased DNA content and reflected by small head circumference. Since the period of increasing cell number is complete by 6 months of age and the maximum growth of brain size is seen during the first 2 years, with 80-percent completion by this time, the period of effective intervention would indeed seem quite narrow.

Further, the effects of malnutrition or undernutrition as regards stunting of an individual, seem to have their major deleterious effects during the first several years of life, and are also fairly well complete and rooted long before school age. This, too, of course requires rapid intervention if one is going to break the cycle of poor nutrition.

And respectfully I underline the following, that the major objective, therefore, of any child nutrition legislation should be prevention rather than remediation. To achieve this end, feeding programs aimed at optimizing benefits to preschool children should be provided. To fail in this objective is to invite problems, the extent of which are not entirely clear to the medical community. The neurointegrative development of malnourished children is lacking, resulting in delays in developmental landmarks, decreased environmental responsiveness, slowness of learning and poor retention. This is in addition to synergistic effects and infection problems in this age group, an incidence particularly high, as you know, in low-income propulations. In addition this problem and others dovetail to create an individual of less than optimal ability to function within the society.

It should be stressed that these negative effects take place long before the child enters school. This background information caused us, approximately 2 years ago, to undertake a study, a pilot study in Baltimore City. It is aimed at providing a nutritional head start for inner city infants through the distribution of iron-fortified infant formula. It was a cooperative program launched by the Maryland State Health Department, Baltimore City Health Department, a citizens group under the name of the Maryland Food Committee, and Johns Hopkins University.

The objectives that were outlined in that program were, one, to provide a rich source of biologically superior protein to enhance neurological maturation and development during the first 12 months of life; two, to provide iron to modify and eliminate the alarmingly high prevalence of nutritional anemia in the infants of the poor; three, to promote optimal growth of height, weight, and head circumference; and, four, to assist mothers in applying sound nutritional principles in the feeding of their youngsters, as well as others in the home. And what I would like to do is just refer to the tables which I have entered as part of the formal testimony, and quickly run through these, if I may.

Table I demonstrates the characteristics of the population. Approximately 70 percent of this initial group are on financial assistance, and a majority of mothers were unmarried. We were interested in finding that with respect to height, in an enrollment of 170 infants whom we carried through the 10th to 12th month of life, an excess of 15 to 18 percent of the children were below the third percentile in terms of their length, and a significant excess number was also demonstrated in the lower percentiles of the 10th, 25th and 50th percentile.

While they remained on the program they did show significant improvement so that by a fourth clinical visit, at 10 to 12 months of age, the profiles with respect to length of that population approximated normal standards. For purposes of this study, the Boston-Stuart standards, which are recognized domestically and internationally, were used. Of interest is that we used for comparison groups of children drawn from the children and youth project in Baltimore City, and they did not demonstrate the improved height.

Similarly data is presented to the committee with respect to weight. The observed numbers over the expected numbers in each lower percentile distribution was alarmingly higher than that which would be anticipated in normal healthy population, again as reflected by the Boston-Stuart weight standards.

With respect to hematocrits, we used the International Committee for Nutrition for national defense standards, and in this population at the first clinic visit 7 to 8 percent of the children showed a deficient hematocrit below 30 percent, with 37 percent having low hematocrit below 33.9 percent and only 50 percent demonstrating an adequate hematocrit.

At the end of the first year, and it should be pointed out parenthetically that this is the time of increasing iron deficiency anemia, we did see a change in this pattern. None of our children of the 161 on whom we had data out of the 170, none of those children had a deficient hematocrit; only 17 percent low hematocrit, with 82 to 83 percent showing a normal hematocrit.

Contrary to other investigators, we were not able to find any differences with respect to head circumference, either initially, or at any other time, in the population we studied. And if I just may have one more minute, I would like to tell you that these results have prompted us to enlarge our work and to expand the program in a more rigorous manner to attempt to demonstrate the efficacy of such an approach.

And we have, in figure 1 of the formal testimony, expanded the program to include different geographic areas. That would be the rural counties, the eastern shore of the State of Maryland. Of the nine counties, eight are participating and one county is serving as control. And in Baltimore City we have different geographic and ethnic census tracts participating in the program and also serving with control.

With respect to the distribution of the infant formula, relatively all programs had emphasized the physical inventorying, storing, accounting for and physically distributing cases of formula to the consumer. In our situation we too initially followed that approach, and more recently have come up with a check distribution system which is a cooperative effort of the Maryland National Bank and several of the formula-producing laboratories, so that the health department may provide these checks to the mother and she may cash them through normal marketing channels at participating merchants, and this may be used and, deposited in the various banks and handled through normal banking channels.

In addition, we are attempting to get at some profile of the population with respect to the impact of environmental phenomena on the growth and development of children during the infant and preschool years, and perhaps more significantly, and I will just tack this on, and that is that we have also launched simultaneously a nutrition education program aimed at the consumer so as to alert him to the fact of the need for high quality protein, in the design of our study.

We have used in some areas formula distribution only, formula and nutrition education in other areas, nutrition education in others, and milk provided programs in still other areas, to determine the efficacy in a combination of these programs. Thank you very much.

Chairman Perkins. Let me thank you for a good statement. I have a question, but we will hear the entire panel before we ask questions of you.

Mr. John Kramer, Director of the National Council on Hunger and Malnutrition.

Mr. Kramer. Mr Chairman.

Chairman Perkins. Delighted to welcome you here, Mr. Kramer. Go ahead.

[Statement of Mr. Kramer follows:]

STATEMENT OF JOHN R. KRAMER, ASSOCIATE PROFESSOR OF LAW, GEORGETOWN UNIVERSITY LAW CENTER AND EXECUTIVE DIRECTOR, NATIONAL COUNCIL ON HUNGER AND MALNUTRITION IN THE UNITED STATES

Chairman Perkins and Members of the General Subcommittee on Education of the House Committee on Education and Labor: Five years have elapsed since you held your path-breaking hearings on Malnutrition and Federal Food Service Programs in the late spring of 1968. Five years ago the National Council's companion organization—the Citizens Board of Inquiry into Hunger and Malnutrition in the United States—had just published "Hunger USA," CBS had just urn its documentary on "Hunger in America," and Dr. Ralph Abernathy and his Poor People's Campaign were beginning their daily marches on Secretary of Agriculture Ovrille Freeman to demand bigger and better Federal food programs. At that time, you and this Committee were the first in the Congress to undertake serious explorations of the scope of hunger and malnutrition in this country and of the potential remedies.

Since then you have acted with a sense of humanity and urgency to reform and expand the food programs (approximately 30 in all) that lie within your juridiction. The appropriations triggered by your legislative authorizations for child feeding, your Public Laws 91-248 (the 1970 school lunch amendments), 92-153 (1971), and 92-433 (1972), even excluding the impact of your constant revisions of the Economic Opportunity Act and the Elementary and Secondary Education Act, have miltiplied almost four-fold, going from $399 million in fiscal year 1968 to a minimum of $1.5 billion in the current fiscal year.

Now, in the summer of 1973, you are asked once again to add a new program here and improve an old program there, with an impact on the Federal food budget of what the bill's sponsors claim is slightly less than $300 million. As one of the leaders of "the hunger lobby", a confederacy of public interest groups that have been working for nearly six years to guarantee adequate nutrition for the poor, I should be here congratulating you on the imminent passage of H.R. 4974 and the cnotinuous enlargement of the child feeding program menu.

I am not. Instead, I appear before you today to ask you not to act with haste to meet the temporary needs expressed by those who run school food service on a state and local level as an interim way-station en route to universal school feeding, not to assume that progress in feeding the needy is automatically equated with more funding and more programs. Rather I would like to suggest that you focus hard and long upon the budgetary and administrative context against which this new collection of proposed amendments must be appraised. In particular, you should note the following:

(1) *No Federal food program has yet to service even one-half of its eligible constituency*

Food stamps and commodity distribution combined reached 15.1 million individuals in April, 1973 out of a universe of well over 30 million persons whose income is less than $383 a month for a family of four ($4,644 annually or 10% above the poverty line).

School lunches were fed to a monthly average of 24,673,000 children from September through May, 1973, which amounts to less than 22 million meals served on a daily basis and accounts for no more than approximately 48% of the pupils currently enrolled in public and private elementary and secondary schools in the United States.

School breakfast was available only to 1.2 million children daily.

There are approximately two million poor pregnant and nursing women with infants under the age of one, but only 172,000 of them receive either food certificates or supplemental food packages designed for their food needs.

Only 193,155 three to five year olds received meals daily in the Vanik special food service program out of a licensed day care population, including Head Start youngsters, most of whom are forbidden access to Vanik aid, in excess of 700,000.

The list could go on and on and the numbers could be manipulated (the Department of Agriculture would have you believe that 22 million persons "may well" use family food assistance programs), but the point is obvious: what is already on the statute books simply is not working well enough. The monies available to feed the needy continue to mount and mount, from $905 million in fiscal year 1968 to probably over $4.5 billion in the present fiscal year, but there is no comparable rise in the number of persons actually served. The cup remains half empty.

(2) *Most Congressionally-dictated child feeding program priorities have not been faithfully observed or implemented by the Department of Agriculture in the past several years.*—In 1970, the Congress, as part of its central thrust of seeking to assure the availability of a school lunch to any poor child who wanted one, ordered the preparation by each state of a plan of operations that would outline steps to be taken toward that end and mandated increased funding for equipment to enable more schools to provide food service, on a satellite basis, if need be. What has happened? Today, those state plans are virtually ignored and the requirement unenforced. Today, as the General Accounting Office reported only last Thursday, there remain nearly 25,000 schools that refuse to participate in the national school lunch program encompassing 8.7 million students, 1.5 million of them entitled to

free or reduced price meals. Nearly one-fourth of our nation's schools (albeit many small ones) remain on the outside not even looking in and the best response the Department can give is to twist the figures to state that "88 percent of the children attending public or private schools have a food service available to them" (the only way I know to avoid malnutrition is to eat food, not simply to have it nearby). With 25,000 schools still uncooperative, 15,000-plus of them for lack of the necessary equipment, the Department can talk about significant program expansion while adding only 2,797 schools to the average school participation roll in the September–April, 1973 period. At that rate, full availability is still ten years off or would be if the Department had not also substantially reduced its rate of expenditure for nonfood (equipment) assistance from $15.150 million in fiscal year 1972 to $10.245 million through April of fiscal year 1973.

This reduction in equipment aid is another instance of the Department's stubborn refusal to acknowledge the will of Congress and of this Committee in particular. In the 1972 amendments, Public Law 92–433, Congress increased funding for equipment from $15 million to $40 million for fiscal year 1973, a 166% raise, with the obvious intent of boosting expenditures on school food service equipment. The Department's actions, as indicated above, have had precisely the opposite impact of reducing such expenditures by 33%. The Department blithely ignores what Congress wishes and adheres to its own game plan.

In 1972, Congress, as part of the school lunch amendments, directed the Department to plan and implement a two-year pilot program of supplying special supplemental foods to "pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income." Section 17(a) of the Child Nutrition Act of 1966, as amended. Did the Department immediately begin to draft program regulations and accept applications from the local health or welfare and private nonprofit agencies that Congress wanted to have administer the program? No, not at all. The Department formed a task force or two, sent a letter to HEW requesting help, desultorily followed it up several months later. It took court action late in June to coerce the Department to agree to prepare regulations by last Friday, over nine months after the law had been signed and less than twelve months before the program's termination date. This Committee requested a preliminary program evaluation "not later than October 1, 1973." It will be lucky if any person has been fed a cup of farina by that date.

The situation with the breakfast program is similar. Congress in 1972 sought to extend breakfast to all schools which applied for aid. The result? The average number of participating children in fiscal year 1973 (through April) rose only 135,000 over fiscal year 1972, which was 100,000 less than the increase from 1971 to 1972 when Congress had not insisted so specifically on program expansion.

The litany is or could be endless. Every mandate from Congress is met by Departmental inactivity and recalcitrance. New programs may be written into law and improvements may be enacted, but they do not guarantee any food on the table or in the belly.

(3) *There is no longer any meaningful correlation between pumping money into food programs and boosting program participation.*—This lesson is clearest in the area of school lunch. Even the Department appears to be concerned about the absolute decrease in overall lunch participation with the average number of children involved slipping from 24.84 million in fiscal year 1972 to 24.67 million during the past fiscal year (through April). This decrease came at the same time that lunch assistance to the states went up by over $180 million. Who swallowed the increase? Certainly not more children.

There are many explanations for the decline, most of them zeroing in on the unpalatability of the meals and the unappetizing lunch room environment. More Federal money shipped to the state coffers to reduce the amount of funds states might otherwise have to contribute to the program will not necessarily solve these problems.

(4) *The Congress has apparently agreed to place an overall lid on Federal spending.*—If the $268 billion figure is to be rigorously adhered to in fiscal year 1974, then every dollar over the budget line spent on child nutrition will have to come out of some other pot. If we could be certain that the defense balloon would be the one deflated to pay for human needs, well and good. But that is not the case. More likely, one human need will be competing with another for scarce dollars. If that is so, then we must be certain that every additional dollar invested in child feeding will be leveraging as many additional meals as possible for malnourished children, will be providing food to as many children as possible who have not been previously reached by Federal school food service programs.

Where do these administrative and budgetary facts leave us? What do they suggest about meaningful programmatic changes. I think that the major lesson is that the Congress and this Committee, given the confines of the budget, the refusal of the Department to follow directions, and the gluttony of the states for more funds unaccompanied by any guarantees of greater productivity in terms of numbers of children reached, ought to concentrate its attention and its monies on the achievement of a very few, very specific program goals and insist, through appropriate oversight activities, that they be fulfilled. Congress and this Committee ought not to pile more good money on top of bad, to proliferate programs, or to satisfy every state demand for more help, not so long as the basic purpose of the school lunch and child nutrition laws remains safeguarding the health of our children, which means feeding first the neediest among them.

The program goals that I would recommend that this Committee's demand be achieved through legislation and oversight are guaranteeing every pupil access to school food services, i.e., overcoming the lack of food service facilities, and guaranteeing every child who is not in school access to some form of Federal food program.

The first goal is partially met by section 14 of H.R. 4974. That mandate must be supported by substantial pressure on the Department to utilize all of the equipment funds now authorized. It is tragic to permit the Department to flout the clear intent of Congress in raising equipment authorizations up to $40 million for fiscal years 1973–1975 by both requesting appropriations of only $16.1 million and spending much less than that, particularly in light of a recent survey of need for equipment funds that revealed a total need of $73 million in fiscal year 1974 for public and private schools. This committee should, on a regular basis, compel the Department to explain exactly how it is complying with authorizing legislation and to describe how its performance meets the promises it made in presenting its budget estimates. For instance, the Department claims it will equip 6,300 schools in fiscal year 1974, the same number it promised last year. But as of April 1973, only 4,370 schools had been so helped. Why? No one has ever demanded that the Department be accountable in this regard. You should start the process.

The second major program goal is feeding children from newly born infants through the age at which they enter school. This requires more oversight and enforcement of existing legislation. The special supplemental food program that you adopted last September remains unimplemented. Why must it be the courts and not the Congress that enforce the laws? That program was intended to reach infants on a pilot basis. To date it has reached no one. Before giving the Department any new authority you should be certain that it is fully exercising the old. Legislation on the books that feeds no one is worthless.

The same is true of the Vanik special food service program for children in service institutions. The Department's restrictive reading of "child day-care centers" has deprived most Head Start programs of Section 13 funding, thereby reducing available Head Start slots to pay for food. More significantly, it has meant no Federal aid for some 3 to 4 million children between the ages of 1 and 6 who are not in school or in centers but who have working mothers and thus have to be fed lunch and perhaps other meals (if they are fed at all by other persons with whom they spend the day, usually in a family-type setting in someone else's home). This is the crucial gap in our vast array of Federal child feeding programs. This is the group that has been overlooked. They are not at as much nutritional risk as infants, but malnutrition can still substantially cripple their future lives. The Department does not seem particularly troubled about its failure to bridge this gap. It ought to be and you can see that it becomes so.

Where does this leave H.R. 4794? I am strongly opposed to providing more funds to the states to meet their feeding bills if that means, as is likely, that no more children will be fed. School lunch legislation is not an appropriate place for back door revenue-sharing. The same holds true for the breakfast program and administration expenses, unless the states can demonstrate that the extra 3 cents per meal (or 1%) will mean that more breakfasts are served, particularly since the Department has already agreed to supply 20 cents per free breakfast.

Nutrition education is vital. But why should the Department's limited ability to perform be diverted into yet another channel that is difficult to navigate when it has so much left to do in operating (and in some instances, even beginning to operate) the programs already within its purview? The answer is rhetorical: it shouldn't. The Department should be made to tow the line and comply with existing laws before new ones are proliferated and left untended, unoverseen. When all of the children from 0 to 18 that ought to be fed are receiving their due, then the time will have come significantly to expand the Department's mandate.

Mr. **Kramer**. Mr. Chairman, I know you are as interested as I am in the farm bill on the floor. I will be very brief. I will not read anything, but I would like to point to the farm bill and suggest take my text from that. As you know, hopefully by 7 o'clock tonight there will be some votes on food stamps, including a possible cost-of-living increase for food stamps. And I would suggest perhaps child nutrition education, the way we are going in this bill before you is possibly the wrong approach to go about feeding children.

I am troubled. I am afraid this bill feeds the schools and not the children, and I am troubled by it. At the moment food stamps, as of this week, for a family of four, produce $4,644 annually. So if you have a school-age child, they can go out and buy a 32- or 31-cent meal. Here we are proposing in this bill to go to 62 cents for lunch.

I happen to think very clearly if you gave the mother 62 cents, much more effective making nutrition and perhaps much cheaper job in terms of producing that lunch. So I am a little troubled by spending twice on school lunch what we give people to eat with whether or not schoolchildren, really, or food stamps. I think perhaps the money is going down the wrong drain, down the drain of the school, not the children.

I think that is the essence of Mr. Leonard's statement, much more money should be pumped in. The money has increased really fourfold over the past or 4 years and children are not there. What is happening, school systems for whatever costs they are absorbing more and more of the money and less children are fed in terms of any efforts of the funding. I point out in my statement I am troubled by expanding more food programs when none of it we have really serves half of the congressionally defined eligible.

I hate to keep proliferating programs when we haven't gone out and reached everybody who should be served by programs already passed. I think the most classic example is the food program you spoke about 9 months ago. I was in court just 2 weeks ago with people who brought that lawsuit to force them to come out with regulations.

Last Friday it was published. I think they come back in court on the 26th of July trying to force them to cough up the extra $20 million they should have spent last fiscal year, use it this year for special feeding. I am troubled by spending $40 million not directly on people. I am troubled by increasing the special assistance supplement to 45 cents, by increasing the across-the-board allotment to 10 cents, because I do not think that will produce any more lunches being fed to any more children.

Now, there is, of course, the implied threat stated here today, and I think stated very clearly in the Washington Post today. Some schools pull out unless they get more money, but I think very clear from the appropriation tables, back in 1970, the Federal Government put up about 25 percent of every school lunch. Today the Federal Government is putting up about 42 cents, whereas back in 1970 State and local governments put up about 25 percent. They are down 23 percent. They have spent only 1 cent more per lunch over the last 4 years.

The Federal Government put up 14 cents. And what this bill looks like to me, and I see their intent is really backdoor revenue sharing. I know you are not very much in favor of revenue sharing, and I think that is what is going to happen here, no more lunches, no more children fed, but States won't have to spend or increase their contribution. This bill, as I see it, is backdoor revenue sharing and I would be very much opposed to it, because I don't think it is going to do very much for needy children.

I would like, if I could, and I will try to be brief because I know there are lots of votes on the floor——

Chairman **Perkins**. That is all right. Go ahead.

Mr. **Kramer**. I would like to append to my testimony a book.

Chairman **Perkins**. I am sure you heard the testimony this morning. The Secretary is against many provisions in the bill because he feels that it goes too far.

Mr. **Kramer**. It goes too far?

Chairman **Perkins**. Yes.

Mr. **Kramer**. Well, there is one provision, or two provisions that I am very troubled about. There is $49 million in here as I calculate it for administrative expenses. And that is well and good, but given the $268 billion Government legislation, I would hate to see $49 million come out of something else to pay for more administering of children's lunches. I don't think we need more administration and more personnel. I think we need more lunches.

I would like to add to my testimony a very short document, "Hunger, USA Revisited," which does restate the problems of the last few years and our problems with the Department of Agriculture programs over the last few years.

Chairman **Perkins**. Thank you very much. Without objection it will be inserted in the record.

[The document follows:]

Hunger U.S.A. Revisited

A Report by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States

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Published in cooperation with the National
Council on Hunger and Malnutrition and
the Southern Regional Council

Introduction

In 1967 and 1968 this Citizens' Board undertook an investigation of the extent of hunger and malnutrition in poverty areas throughout the United States. Our findings, published in HUNGER U.S.A. in April, 1968, charged:[*]

1. Hunger and malnutrition exist in this country affecting millions of Americans and increasing in severity from year to year.
2. Hunger and malnutrition take their toll in the form of infant deaths, organic brain damage, retarded growth and learning rates, increased vulnerability to disease, withdrawal, apathy, alienation, frustration, and violence.
3. There is a shocking absence of exact knowledge in this country about the extent and severity of malnutrition—a lack of information and action which stands in marked contrast to our own recorded knowledge of other countries.
4. Federal food programs have left out a significant portion of the poor and have not adequately helped those they did reach.
5. The failure of federal efforts to feed the poor cannot be divorced from our nation's agricultural policy, the Congressional committees that dictate that policy, and the Department of Agriculture that implements it; for hunger and malnutrition in a country of abundance must be seen as consequences of a political and economic system that spends billions to remove food from the market, to limit production, to retire land from production, to guarantee and sustain profits for large producers of basic crops.

The immediate response to our report was, for the most part, one of incredulity, although there were among newspapers and political leaders some outstanding exceptions. But some of the most powerful members of Congress, as well as members of the administration, reacted angrily. Indeed, that remained the prevailing official attitude until early 1969. At that time Sen. Ernest Hollings of South Carolina, after a visit to impoverished homes in his state's low country, forthrightly acknowledged the widespread existence of hunger and malnutrition in terms and with an insistence that could not be avoided.

Writing now, in 1972, it is no longer necessary to debate the issue. Like too many other problems of American society, it has been officially acknowledged, described and defined and left unsolved. The most authoritative description has come from the federal government itself in what is now called the Ten State Nutrition Survey.

In summary, the survey, based on actual examinations of 40,000 poor people and demographic data obtained from 24,000 low income families, showed that high percentages of the survey sampled were either malnourished or else at high risk of developing nutritional problems. It also brought out, at least by implication, some important associated findings such as the need for basic health services, and the relationship between ill health and problems in the environment, including poor housing and sanitation.

In the low income states (Texas, Louisiana, Kentucky, West Virginia, and South Carolina) 15.6 per cent of whites, 37.4 per cent of blacks and 20.6 per cent of Spanish-Americans showed either deficient or low levels of hemoglobin, an index of anemia.

In those same states 8.8 per cent of whites, 11 per cent of blacks, and 7.8 per cent of Spanish-Americans had deficient or low levels of Vitamin C.

Deficient or low levels of riboflavin in low income states were as follows: whites, 10.5 per cent; blacks, 27.1 per cent; Spanish-Americans, 19.6 per cent.

Low protein levels in the same states were recorded for 8.3 per cent of whites; 9.5 per cent of blacks; and 11.2 per cent of Spanish-Americans.

For high income states (California, Washington, Michigan, New York, Massachusetts, and Connecticut) the percentage breakdowns in the various categories were as follows:

Deficient or low hemoglobin: whites, 9.4 per cent; blacks 26.9 per cent; Spanish-Americans, 17.7 per cent.

Deficient or low levels of vitamin C: whites, 3.0 per cent; blacks, 2.9 per cent; Spanish-Americans, 1.9 per cent.

Deficient or low levels of riboflavin: whites, 6.9 per cent; blacks, 13.7 per cent; Spanish-Americans, 6.7 per cent.

Deficient or low protein levels: whites, 2.3 per cent; blacks, 2.7 per cent; Spanish-Americans, .7 per cent.

This convincing data, although lacking accompanying interpretive commentary making it readily understandable to the lay reader, and buried as it is in the body of an 800 page document, had been long in coming. In December, 1967, Dr. Arnold Schaefer was appointed to direct the National Nutrition Survey on the nutritional status of low-income persons in ten states (Texas, Louisiana, New York, Kentucky, Michigan, California, Washington, South Carolina, West Virginia, and Massachusetts). Our 1968 report referred to that survey and pointed out that it could not "realistically be expected to be completed before the close of 1968, at the earliest," although the legislation that authorized it had called for its completion by mid-1968.

When Dr. Schaefer testified in January, 1969, before the Senate Select Committee on Nutrition and Related Human Needs about his preliminary findings of widespread malnutrition among the poor in Texas and Louisiana, he was front page news across the country. Those who had urged larger food assistance programs at last had the scientific confirmation of need. Dr. Schaefer kept the momentum of his disclosures alive by numerous speeches on the preliminary findings of his survey.

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[*] *See Appendix 3*

Abruptly in July, 1969, the survey was removed from Dr. Schaefer's administration in Washington and relocated in the Center for Disease Control (CDC) in Atlanta, Georgia. In April, 1970, when Dr. Schaefer was again called to testify before the Senate Committee he was under strict orders to state facts without any interpretation. He revealed his unhappiness over this to newsmen, but was constrained by his position. Funds for the survey were routed to various other purposes; data on the people tested came in slowly; the use of computers was restricted. Finally, most of Dr. Schaefer's staff left with the final results untabulated. Sen. Hollings complained publicly that the survey was being kept secret in Atlanta. CDC issued a denial and declared that the full survey would be released within thirty days. The report as released from CDC a few weeks later, however, was described as "A Preliminary Report to the Congress."

Senators McGovern and Hollings noted discrepancies in what was released by CDC and the findings previously revealed by Dr. Schaefer. McGovern said the CDC report was "tailored to blunt the harsh edges of what the findings may actually have revealed." He pointed out that earlier five state findings were missing from the report. These findings had listed far more multiple nutritional deficiencies than the CDC version. The initial version, McGovern said, found that from state to state the range of all subjects with two or more "unacceptable" biochemical values was from 1.1 per cent to 32 per cent. The CDC report, McGovern noted, did not indicate the state-to-state range, but found 4.2 per cent with multiple deficiencies and rejected the earlier reports's use of the term "Unacceptable."

Dr. Schaefer, meanwhile, gave an interview to the *Washington Post* in which he pointed out other discrepancies as well. He said the CDC report understated the extent and seriousness of anemia. "In the sample we studied," he said, "one person out of four was classified as a risk for anemia. I can't get that out of this document." The report as released, Schaefer said, also included data on only four nutrients, "leaving out serum albumin and thiamin, both important." He said much of the data on Texas and Louisiana was omitted due to the fact that "survey headquarters was moved from Washington to Atlanta over my objection, and all the computer programs have to be re-done for a new computer." He said he had warned his superiors in HEW that the move to Atlanta would cause a delay "of at least a year."

After his interview, Dr. Schaefer, who already had been put on detached service with the Pan American Health Organization, according to newspaper accounts was warned that he would be fired before his pension vested should he speak out again. He has not publicly done so since.

Why were Dr. Schaefer and the many nutritionists who worked with him, treated so? Why were governmental figures loath to have the reality of the most fundamental of human problems detailed at a time of great national and world-wide public interest? Why would scientists within the government join in suppressing the work of one of their own?

If answers to those questions could be found, would they be but part of a larger and tragically missing answer, which would explain why Americans and their government tolerate hunger, poverty, and suffering year after year, decade after decade? Are we truly, as we like to claim and believe we are, a compassionate people? Or are we, essentially and truly, a people who can and do self-righteously demand a "work ethic" for the poor and hungry while allowing a "welfare ethic" and providing guaranteed incomes for the giants of agri-business?

Why? Why do we allow the desperate needs of our poor to go unmet? We can offer no clear answer. Perhaps it has something to do with the nature of the poor, the extent to which they are black, young, elderly, female. Perhaps it has something to do with our moral disapproval of those who are unable to survive in a "free enterprise" system, with our scorn for those who need our help even as we grudgingly give it. Perhaps.

All we know is the physical and psychological impact our failure to solve this problem has had and will continue to have. Dr. Schaefer and his colleagues have provided us with the tangible proof of the malnutrition of millions of Americans. As to the more intangible harm, Dr. Bruno Bettelheim, the eminent child psychiatrist, has put into compelling prose the view that food in our culture is closely identified with love and that there can be no adequate nurture where the person being fed feels that the supplier is dealing with him either on an impersonal, mechanical basis or else belittling him at the same time as he provides:

> Eating and being fed are intimately connected with our deepest feelings. They are the most basic interactions between human beings, on which rest all later evaluations of ourself, of the world, and of our relationship to it. Therefore anything that rubs it in that we are not given food in the right way, with the right emotions, questions on the deepest level our views of ourselves and of those who give it to us. That is why food given by the school without due regard to the child's self-respect poisons his relation to school and learning . . .*

* * *

Members of the Citizens Board of Inquiry feel privileged to have been able to do the work we did, and have therefore no personal complaints to recite. But it may be revealingly important to record that we likewise were visited with some of the infuriated treatment given Dr. Schaefer and his associates. In a disturbing manifestation of the seemingly growing tendency of our government to strike back at those who criticize it, Chairman Jamie Whitten of the House Agriculture Committee Appropriations Subcommittee employed numerous FBI agents, in addition to regular committee investigators, to interview those persons anywhere in the nation who had talked to members of this Board at hearings or had given us the photographs that were in our report. The agents questioned the poor intensively. Later Chairman Whitten expressed incredulity that anyone could interpret the investigations as intimidating to the poor. The investigators gave Congress a 108 page report, allegedly on the operation of federal food programs, but basically seeking to discredit our evidence and our witnesses as well as those who had appeared on the CBS-TV documentary, "Hunger in America."

**Bruno Bettelheim*, Food to Nurture the Mind; *The Children's Foundation, 1970*

Nor was this the only such manifestation of the government's retaliatory instincts. The Institute of Defense Analysis —of all people—issued a report critical of our findings, criticisms that were thin in concept and valueless. It went, first of all, to 20 high officials of the Department of Defense, beginning with General Westmoreland. And, as late as 1971, Vice President Spiro Agnew went out of his way to resurrect the buried issue of the accuracy of the CBS-TV documentary "Hunger in America", and the Office of Economic Opportunity thereupon immediately withdrew it from its library and refused to circulate it to community groups.

When the findings of a report by the Bureau of the Budget on the social cost of malnutrition in the United States, and the need for an incremental investment of approximately three billion dollars to eliminate it, were publicized in the press, efforts were made to prevent the report's ever becoming available to the general public.

We can only hope that the government this time will address its funds and energies to remedying the program defects rather than berating critics

I.

An Overview

Undeniably progress has been made. This country, for instance, has spent well over six times as much as before our 1968 report (from $687 million in fiscal 1967 to 4.32 billion in fiscal 1973) in an attempt to guarantee the nutritional well-being of poor people. It has more than quadrupled the number of recipients of food stamps (from 2.5 million to 11.8 million) and nearly quadrupled the number of children fed a free or reduced price lunch (from 2.3 million to 8.4 million). These are heartening achievements. They illustrate, too, that the present administration, far more than was true of its predecessor, has had a willingness to move forward.

The increase in federal food program participation since 1968 can be seen in the tables on the following pages.

If we were reviewing here a matter such as increased federal highway construction, or any other materially-centered government project in which statistics provide the only measure of success, failure or commitment, we could take pride in this data, and look with confidence and composure at the job still to be done. *For there are still 26 million Americans living at or below federally-defined poverty levels and who, therefore, cannot afford to purchase an adequate diet; and over 11.2 million of them receive no help whatever from any federal food program.*

But we are considering something infinitely more complex, more profound. We are considering hunger and its debilitating effects on human personality, growth, and development, considerations deserving the highest priority in a civilized nation. And what is at issue, as much as the will of this administration, or any administration, to take action, is the humanity of and the swift ability of our methods.

THE BUDGETARY PROGRESS OF FEDERAL FOOD PROGRAMS— A SIX-YEAR REVIEW SINCE THE CREATION OF THE BOARD OF INQUIRY

(all figures in millions; all figures represent budget
obligations or actual program costs, whichever
is more appropriate)

All of the programs listed with the exception of I-5, Emergency Food and Medical Services, are administered by the U.S. Department of Agriculture. I-5 is operated by the Office of Economic Opportunity. While many Government agencies have large food expenditures (e.g. Department of Defense), the only other food-providing programs to which poor people have access because of their poverty are child-feeding projects funded under Title I, of the Elementary and Secondary Education Act (ESEA), Head Start, Johnson-O'Malley Act, Title I-ESEA (migrants), Title I-ESEA (handicapped), Follow Through, and Model Cities. These currently provide food funds in the $75 to $90 million range overall.

Project	Fiscal Years 1967(act.)	1968(act.)	1969(act.)	1970(act.)	1971(act.)	1972(act.)	1973(est.)	1973 1967
I. FAMILY FEEDING PROGRAMS (Total)	236.4	403.5	592.1	927.7	1,965.2	2,247.2	2,896.6	12 Times
1. Food Stamps								
a. Bonus Costs	105.5	173.1	223.7	551	1,523.1	1,790	2,400	23 Times
b. Administrative Costs — Federal	10.5	12.4	21.6	27	53.8	80	100	10 Times
2. Direct Distribution								
a. Program Costs	102.8	181.3	269.7	247.4	285.7	290	302.4	3 Times
b. Administrative Costs Federal (including assistance to states)	3.4	4	7.9	21.1	22.5	23.9	20.9	6 Times
3. Nutritional Supplements (Packages/Certificates for Mothers and Children)	—	—	8.1	13.7	15	16.1	16.1	—
4. Direct Distribution to Institutions	14.2	19.7	32.1	21.4	20	27.2	27.2	2 Times
5. Emergency Food and Medical Services	—	13	24	46.1	45.2	20.0	30.0	—
II. CHILD FEEDING PROGRAMS (Total)	450.7	501.5	621.8	722	979.3	1,157.7	1,426.9	3 Times
1. General School Lunch	147.7	154.7	161.2	168	225.8	244	274.7	2 Times
2. Special Assistance for Free and Reduced Price Lunches	2	4.9	42	132	309.2	434.5	587.7	244 Times
3. School Breakfast	.6	2	5.5	10.9	20.2	20.1	52.5	88 Times
4. Equipment	.7	.7	10.2	16.7	37.2	14.4	16.1	23 Times
5. Meals for Day-care Centers and Recreation Programs	—	—	3.2	7.3	21	35.3	74	—
6. Special Milk	100.2	102.5	102.5	102.1	93.3	93.4	97.1	—
7. Administrative Expenses—Federal and State	1.7	2.6	5.1	8.8	10.6	9.0	10.1	6 Times
8. Commodities	197.8	234.1	292.1	276.2	262	306.6	313.7	1.6 Times
9. Nutritional Training	—	—	—	—	—	.4	1.0	
III. FUNDS RETURNED TO TREASURY	204.7	228.7	29	30.3	1.7	469.1*	?	
IV. TOTAL ALL FEEDING PROGRAMS	687.1	905	1,213.9	1,649.7	2,944.6	3,466.3**	4,323.5	6.3 Times

*Includes $418 million in unused food stamp appropriations and $51.1 million for commodity distribution.

**Includes $61.4 million of general school lunch, special assistance and breakfast outlays not broken down by program.

FAMILY FOOD PROGRAM STATISTICS

	FOOD STAMPS			COMMODITY DISTRIBUTION	
	Participants	Cost of Bonus Stamps (millions)	Projects	Participants	Projects
1961 (FY)*	50,000	.381	6	6,384,000	Unavail.
1962 (FY)	151,000	13.153	8	7,443,000	Unavail.
1963 (FY)	359,000	18.640	42	7,019,000	Unavail.
1964 (FY)	392,000	28.644	43	6,135,000	Unavail.
1965 (FY)	633,000	32.505	110	5,842,000	Unavail.
1966 (FY)	1,218,000	64.813	324	4,770,000	Unavail.
1967 (FY)	1,832,000	105.550	836	3,722,000	Unavail.
1968 (FY)	2,488,000	173.137	1,027	3,491,000	Unavail.
Dec. 1968	2,822,000	18.401	unknown	3,660,000	1,243
Mar. 1969	3,179,000	21.637	1,383	3,769,000	1,243
June 1969	3,224,000	21.586	1,489	3,539,000	1,186
Sept. 1969	3,418,000	23.133	1,544	3,563,000	1,183
Dec. 1969	3,645,000	24.605	1,584	3,742,000	1,191
Mar. 1970	5,075,000	70.794	1,624	4,069,000	1,213
June 1970	6,457,000	91.633	1,747	3,977,000	1,244
Sept. 1970	8,103,000	116.809	1,915	3,480,000	1,156
Dec. 1970	9,727,000	129.844	1,987	3,732,000	1,135
Mar. 1971	10,631,000	143.406	2,007	3,974,000	1,132
June 1971	10,518,000	140.907	2,027	3,642,000	1,106
Sept. 1971	10,610,000	141.435	2,031	3,487,000	1,094
Dec. 1971	11,184,000	149.956	2,005	3,554,000	1,096
Mar. 1972	11,428,000	154.298	2,044	3,567,000	1,061
June 1972	11,672,000	157.576	**	3,021,000	**

*Fiscal Year

**In June, 1972, of the 3,129 counties and independent cities in the United States, 2,132 had a food stamp program, 923 had a commodity distribution program, 64 had both (nearly always in distinct political subdivisions of a county), and 10 had no program at all.

CHILD NUTRITION PROGRAM STATISTICS

(Number of children receiving meal on a daily basis in peak month)

	School Lunch — All Lunches	School Lunch — Free and Reduced Price Lunches	School Breakfasts	Day-Care Recreation Program Meals
1961 (FY)	13,527,000	1,266,000	—	—
1962 (FY)	14,265,000	1,333,000	—	—
1963 (FY)	15,035,000	1,365,000	—	—
1964 (FY)	16,087,000	1,480,000	—	—
1965 (FY)	17,025,000	1,587,000	—	—
1966 (FY)	17,852,000	1,866,000	—	—
1967 (FY)	18,323,000	2,150,000	50,000	—
1968 (FY)	18,615,000	2,325,000	167,500	—
1969 (FY)	18,700,000	2,800,000	221,000	138,400
1970 (FY)	21,900,000	4,600,000	442,000	321,500
1971 (FY)	23,700,000	6,200,000	756,000	595,000
1972 (FY) (estimated)	25,400,000	8,400,000	1,178,000	126,000 day care 1,011,000 summer
1973 (FY) (estimated)	27,500,000	8,400,000	1,562,000	154,000 day care 1,379,000 summer

WHERE WE STAND NOW

Program	The Universe of Need	Latest 1972 Participation Data	Target Population Fiscal 1973	Present Hunger Gap	Per cent Being Served
Food Stamps	26 million (poor or $4,110 per yr. for a family of four) to	11.8 million	12.5 million	11.2 million to	49% to
Commodity Distribution	30 million (under $4,476 per yr.)	3.0 million	3.5 million	15.2 million	58%
Nutritional Supplements	2.2 million (poor pregnant women and infants under one)	164,000	175,000	2 million	8%
Food Certificates		12,400	12,500		
Free or Reduced Price Lunches	10 million	8.4 million	8.4 million	1.6 million	84%
School Breakfast	3.5 million to 6 million	1.18 million	1.6 million	2.3 million to 4.8 million	20% to 34%
Nonschool Food Service a) Day care year round	750,000	154,000	300,000	596,000	24%
b) Summer recreation	3 to 5 million	1.38 million	1.5 million	2 million	27% to 46%

Aside from the immense gap between those reached and the still-existing need, what of the nutritional adequacy of the programs themselves?

The two basic family feeding programs are food stamps and commodity distribution. The current food stamp program provides the poor with spending power enough to purchase at the level of the Department of Agriculture's Economy Food Plan. The dollar equivalent of this plan is $112.00 a month for a family of four.*

In fact, this amounts to an average per person federal subsidy or bonus (the difference between the face value of the stamps and what the recipient pays for them) of $13.45 a month or 14.7 cents a meal. From January, 1970, (when the food plan was at $106.00) to July, 1972, (when it went to $112.00), the consumer price index for food consumed at home went up at a rate 300 per cent greater than the rise in the allotment. The Department of Agriculture, however, in 1968 had described the Economy Food Plan "as not a reasonable measure of basic money needs for a good diet." In its last nationwide Food Consumption Survey in 1965-66, the Department, in fact, found that fewer than ten per cent of the families studied who spent at the Economy Food Plan level were able to buy their recommended dietary allowance for seven essential nutrients, while over 50 per cent of the same families had poor diets because they did not obtain even two-thirds of those recommended allowances. The plan neglects significant regional differences in food costs and assumes that all families are composed of smaller children, rather than allowing also for the needs of more hearty-eating teenagers.

The diet of the three million people who are enrolled in the commodity distribution program would not be entirely adequate even if all received their full allotment of slightly over 37 pounds of canned and boxed goods each month. They would obtain at least 100 per cent of the Recommended Daily Allowance of protein and six minerals and vitamins, but only 80 per cent of needed calories. In fact, however, the program distributes an average of only 28.2 pounds of food per person each month, or 74 per cent of the promised items by weight and 73 per cent of the items according to projected retail value ($9.50 a month value as opposed to the theoretical $16.00 a month).

The picture that emerges from our review of the evidence of the past four years is this: an undertaking requiring an extremely sensitive and compassionate understanding of people and their needs not only for food but for a sense of worth and self-esteem, is being performed by an impersonal bureauracy, governed not by the needs of the people it is supposed to serve, but by the needs of bureaucracy itself.

Such, of course, in oversimplified form, is the way most government operations do function. Ultimately the task set before them gets done, in some fashion, in some calendar year if not now, then later. In the matter of hunger, however, there are not another five, ten, twenty years to wait. Lives today are being irreparably damaged by decisions already made affecting food programs. Decisions are being made today that will affect the lives of thousands more. In this report we have attempted to set forth in detail the reasons—in program concept, planning, and administration—for the nation's failure to reach the remaining number of the poor untouched by any federal food program and the reasons for the sense of disillusion and despair evident among so many who have been reached.

Summary

In summary, it can be said that while 57 per cent of the nation's poor are reached by one of the two standard family feeding programs, 45 per cent of the total poor receive enough only to purchase a diet at the bare survival level; and that 12 per cent receive less than three-fourths of the recommended dietary allowances. For 43 per cent of the nation's poor there is no federal help at all.

**There is litigation pending in a federal court, questioning the nutritional adequacy of this.*

II.

Political Considerations and Bureaucratic Sensitivity

But there has been progress since 1968 and it has coincided almost exactly with the Nixon administration. How did it come about?

Early in 1969, President Nixon was quoted as saying regarding food programs, "You can say that this administration will have the first complete, far-reaching attack on the problems of hunger in history. Use all the rhetoric, so long as it doesn't cost any money."*

Without reviewing old history of the Kennedy and Johnson administrations, it can be said that Mr. Nixon's position was also their's: rhetoric, but not resolve. How, then, has the progress since 1969 been made?

Largely, we think, through Congressional initiative and the insistence of private organizations. We would add that a Democratic-controlled Congress has moved more readily and decisively since 1968 than it was willing to do when Democrats also controlled the White House, the Department of Agriculture and the Bureau of the Budget; or than it likely would have had that been the case these past few years. The hungry — those kept hungry and vulnerable by our employment and welfare policies — have probably benefited from a government divided between Republicans and Democrats.

The Senate Select Committee on Nutrition and Human Needs (the McGovern Committee) was created by a resolution introduced on the day *Hunger USA* was released. Since early 1969, it has conscientiously studied and monitored and sought to improve federal food programs.

On May 6, 1969, President Nixon called for "an end to hunger in America itself for all time", and made certain beginning proposals. On Christmas Eve, 1969, he committed his administration to feed all needy school children in America at whatever necessary cost. But it took Senatorial action in February, 1970 to force him to accept a school lunch bill that mandated fulfillment of that promise. Nor did the May, 1969, pledge deter Secretary Hardin's successful effort to defeat a more liberal food stamp bill in the House in December, 1970.

Events of 1971 raised even more doubts regarding the May, 1969, pledge.

April, 1971—The Administration sliced one-third of a million welfare recipients from food stamps rolls. They were restored in July under pressure.

May, 1971—The White House put into action a year old decision to phase out distribution of foodstuffs to pregnant and nursing mothers and infants. (The program was restored in December, reportedly as part of the administration's strategy to gain enough votes to confirm the appointment of Earl Butz as the new Secretary of Agriculture.)

June, 1971—The Administration refused to release funds to permit one million inner city children to have food at summer recreation projects. The funds were released in July after public pressure.

July, 1971—The Administration substantially reduced food stamp benefits (and in some instances eliminated eligibility) for the "upper-income poor." The benefits were restored in January, 1972, again under pressure.

August, 1971—The Administration curtailed free and reduced price lunch funds available to the states. The funds were restored in November under pressure.

September, 1971—The Administration refused to spend funds on revamping the commodity distribution program.

October, 1971—The Administration cut 1.5 million school lunch recipients from rolls. They were restored in November under pressure.

November, 1971—The Administration ordered reduction in reimbursements for breakfasts in schools and meals in day care centers.

December, 1971—The Administration refused to permit commodity distribution alongside of food stamp distribution in Seattle, Washington. This was permitted only after a court order, and an offer of food to Seattle residents from the city of Kobe, Japan.

The Congress

The politics of the hunger issue can be seen in Congress as well as in the statements and actions of presidents. The original Food Stamp Act was successfully enacted in 1964 in large part because Congresswoman Leonor Sullivan of St. Louis, Missouri, was astute enough to sense that the bill which she sponsored on behalf of the hungry could be used in trade by the urban House members in exchange for farm legislation desired by the farm bloc. She took skillful advantage of her bargaining position to exchange a wheat-cotton subsidy program for food stamps. In 1967

**Nick Kotz*, Let them Eat Promises; *Prentice-Hall, Inc; 1969. Page 210.*

and in 1968 she repeated her strategy of linking urban support for farm programs with rural and farm support for food programs and was thus able to extend and expand the Act and its authorization level.

By 1970, the farm subsidy had become so suspect in the Congress that no alliance could be forged. Efforts by the National Farmer's Organization, labor unions, and the Cotton Council to explore a mutual deal between production payment and stamp supporters proved abortive. Food stamps were thus no longer a political asset to the House Agriculture Committee. Accordingly, in an unusual about face, on February 20, 1971, Committee Chairman R. W. Poage (D-Tex.) and ranking Republican committeeman Page Belcher of Oklahoma, wrote House Ways and Means Committee Chairman Wilbur Mills (D-Ark.) that they were willing "if your Committee feels that it must recommend a Family Assistance Program, including the payment of cash to needy families, that you should also take over the shaping of the Food Stamp Program that there might be no conflict or overlapping."

Politics has also been a major factor in the Senate's handling of food programs, although the results have as often, recently, proven benign as malignant. Senator McGovern's presidential ambitions have by no means been hampered among liberal constituents by his position as a leading hunger fighter in the Congress. Georgia Senator Herman Talmadge, Chairman of the Senate Agriculture Committee, and Senator Ernest Hollings (D-S.C.) have gained strength among their new black constituents by their support of food stamp and school lunch legislation.

No Advice, No Consent

In 1968, we recommended that to enhance the dignity of the distribution of commodities and food stamps, public hearings be held at times and places convenient to probable beneficiaries so that they might comment upon state and local government plans for running these programs.

In 1969, the Task Force Action Statement of the White House Conference on Hunger called upon the President to permit the poor to run their own food programs because "the provision of food services has too often been thwarted by lack of responsiveness at the State and local government levels." The Conference stated its belief that "maximum dignified participation by recipients is insured by transferring organizational and operational responsibilities to duly constituted, broad-based, local community organizations or the recipients themselves."

In 1971, the Report of the Follow-Up Conference to the White House Conference stressed that poor use had been made of voluntary organizations in the fight against hunger. The report emphasized the fact that "often the tremendous talent, energy and even money of volunteers is spent fighting various levels of Government rather than in extending and multiplying the outreach and service of local bodies." The report further stated that "the use of citizens' advisory committees at various levels of Government, as regards both poverty and consumer programs, still needs to be developed." The report complained, also, that the Conference advocacy of major involvement of the poor in food programs had been inadequately treated by the responding Federal agencies.

As a purely private body (formed, in part, because the federal government, when asked in the person of its Surgeon-General what it knew about the extent of malnutrition in this country, replied "we do not know . . . It hasn't been anybody's job") we are particularly disturbed that the poor have not been involved more in their own service.

This exclusion of the poor from even the most modest advisory role, coupled with invariable negative reaction by the government bureaucracy to any adverse commentary, has led to the increasing alienation of the poor and firm entrenching of official insensitivity. Unfortunately, the poor have been treated as bystanders throughout the past four years of food program administration.

There was no participation of any sort by any outsider in the programs' direction until, in late 1968, the USDA, for the first time, convened a Food and Nutrition Programs Advisory Group of the Consumer and Marketing Services. Its function, ostensibly, was to review in advance policy decisions affecting the direction of food assistance programs. Unfortunately, the group held its last meeting in May, 1969, (at which time it listened to staff statistical reports), and has been defunct ever since, despite promises to resurrect it.

The Department of Agriculture has consistently rejected offers to permit participation of poor people's representatives in drafting sessions on proposed school lunch or food stamp regulations. Public outcry forced it to print its school lunch regulations in proposed form with comments invited, rather than issuing them in final form by traditional fiat. The Department cancelled a program on food aid scheduled for its February, 1971, Outlook Conference for its Extension personnel from around the country because several poverty groups demanded to be heard. It limited to 30 days the opportunity for poor persons to comment on proposals which would drastically revise the food stamp program, but gave the poultry industry 60 days to analyze regulations on chicken inspection.

Response to the White House Conference

The Department's response to the recommendations of the White House Conference on Hunger is equally instructive. In rejecting the request that operating responsibility be transferred to local community organizations to assure maximum dignified participation by recipients, it simply begged the question. "Food programs," it replied, "are best operated through Federal, State/local governmental structure that is responsive to the needs of the recipients."

The Department's response was more feeble, still, to the oft-repeated suggestion that community-based groups be involved in outreach work to bring programs to potential recipients. The Emergency Food and Medical Services (EFMS) program of OEO, the Department said, is engaged in outreach. (Yet the EFMS program is being phased out because the Department supposedly is performing identical duties.) As evidence of outreach, the Department does point to the existence of two handbooks for volunteers and mention the work of its indigenous nutrition aides in advising families of proper foods and how to cook them.

When in 1971 the Administration scheduled the Follow-

Up Conference to the White House Conference at isolated, expensive Williamsburg, Virginia, in order to prevent a recurrence of the unexpected takeover of the 1969 Conference by poor people who made impassioned presentations of their interests and demands, it did not even invite representatives of the poor: only governmental officials, business leaders, doctors, nutritionists, and a few church people. The effort did not entirely succeed. Members of the Virginia Welfare Rights Organization entered uninvited and remained to voice their dismay that "poor people are not involved in the planning of programs that are supposed to help them."

In light of this foreclosure of the administrative decision-making process to the poor, it is not surprising that they have increasingly turned to the courts as the repository of their complaints. Since 1968, over 100 lawsuits have been filed by legal services lawyers attacking the programs. It is no wonder that the Department's Office of General Counsel constantly requests increases in its budget for additional attorneys to defend program challenges (16 man-years in 1972), while the attorneys' fees of school boards and county welfare offices are also on the rise. The burden this has placed on the courts, which were not designed to review the adequacy of federal food programs, could be partially relieved were the Department and its state and local counterparts to evidence willingness to admit the poor into some form of program partnership and, thereafter, effectively enforce program guidelines.

Summary

1. Congressional initiative and the insistence of private organizations have been responsible for much of the progress that has come in food programs for the past four years.

2. The participation of poor people in the planning of food programs has been overtly and covertly discouraged by USDA.

III.

The Discipline of the Budget

> *They give us this story at the welfare office that they don't have any money in this budget, or that they don't have any money to pay people to work to help out with the long lines that are there every month. So, instead of more surveys, please, if there is any way possible, put some more money in the budget . . .*
> Mrs. Delphina Robinson of St. Francis County, Arkansas, testifying before the Citizens Board of Inquiry, February 15, 1971.

There is more than poignancy in the testimony of Mrs. Robinson, more than the hurt of a single individual. In a few agonized words she has summed up the frustrations of thousands who have become enrolled in food programs and of many more who have not. She has also defined—in a very personal way—a major reason why the nation's food programs have reached only half of the poor and hungry: budgetary constraints.

Monetary considerations, of course, affect all government programs and it is probably true that no agency ever has as much money as could be effectively put to use. All federal agencies, in fact, are notorious for their bureaucratic self-protectiveness, their tendency to view their appropriations as money belonging to them alone, and, therefore, money to be preserved, not spent. Disbursements are always carefully monitored, priorities assigned, savings readily approved We have no quarrel with honest accounting. Our quarrel, rather, is with the budgetary priority that apparently has been assigned to ending the problem of hunger. Are dollars more important than people? In the administration of federal food programs the answer too often has seemed to be "yes" despite increased expenditures for the food programs that have come over the past four years. For the sad truth is that every advance made has come only after the most bitter and exhausting kind of bureaucratic in-fighting and ultimately Congressional pressure.

Unfortunately, presidents have frequently set parsimonious examples after making the most liberal kind of public pronouncements. President Nixon's statement regarding the use of rhetoric is an almost classic illustration. His predecessors were little different. President Kennedy inveighed against those who cut school lunch funds and had his Secretary of Agriculture declare to Congress that we had the means to abolish hunger, leaving unanswered the question of "whether we possess the humanity to do so." Then, yielding to budgetary restraints, he proceeded to return unspent to the Treasury, over three years, a total of $260.7 million in customs receipts specifically set aside in the budget for feeding poor children and adults. President Johnson declared war on poverty and then withheld during his administration $619 million appropriated for food programs in order to meet self-imposed budgetary restrictions.

FOOD STAMPS

The Department of Agriculture—in conjunction with the Office of Management and Budget (OMB)—has passively accepted the budgetary discipline on food programs, rarely exhibited strong initiative to make innovative use of its funds to feed hungry people. In 1969, the Department of Agriculture refused to use $36 million in food stamp appropriations that would have fed 5.2 million persons for one month under the program then in effect. Its refusal was based on the fear that to spend all of the money available for fiscal year 1969 by adding new counties or changing total allotment might bind it to spend too much in fiscal year 1970.

Similar sums were permitted to go unspent in 1970. In December, 1970, when the opportunity came to change the food stamp law to allow unused monies to be carried over to the next year, rather than to be lost, the Department offered no opposition to Congressional conference committee action wiping out such a provision, even though it had been passed *by both houses* of Congress and was thus entitled to become law.

As a result, only this June the Department returned another $418 million to the Treasury, thus denying the poor ten per cent of food stamp monies, monies that could have yielded another $40 per person in food purchasing power over the course of the year.

Controlling Participation

The principle that preserving money always takes precedence over reaching every eligible person is the clearest thread running through the administration of the food stamp program since 1964. Adequate money is the precondition of any universal food stamp program. The level of funding and the size of the program are inextricably interlinked, since the willingness to buy the stamps depends upon the level of the bonus offered. The higher the bonus (the difference between total allotment value and purchase price) the more likely an individual is to participate in the program. Thus, in order to keep participation levels under some control and thereby place adequate restraints on costs, the Department has had the choice of holding bonuses down by setting *high* purchase prices or *low* total allotment values.

Since the program's inception, the Department has adopted both courses of action, as well as delayed the acceptance of applicant counties into the program. During the first five program years through 1969, the cost to the user ran from approximately 30 per cent of his disposable income to a high of 46 per cent. Even the poorest of poor — those with no income at all or incomes of less than $30.00 per month—had to pay something. That amount was $8.00 for a family of four until the fall of 1968 when it became $2.00. It was reduced "experimentally" to nothing in two South Carolina counties in March, 1969, (no more than 900 persons were served at this level in any one month and the experiment has cost less than $15,000) and finally to nothing nationwide, effective February 1, 1972. From all reports, on the latter action, restrictive local interpretations and requirements that applicants prove they have no income apparently have worked to keep many recipients from being placed in the free stamp category.

Households beyond the $30.00-a-month level can still be compelled to pay up to a statutory ceiling of 30 per cent of their disposable monthly income in order to receive stamps. The purchase tables now in effect require an investment of approximately 27 per cent of disposable income for the bulk of the poor, which is over two times as much as the 12.8 per cent of income the average American spends on food at home. It is little wonder that a study for the Senate Select Committee on Nutrition conducted in 1969 concluded that the cost to the user was responsible for excluding at least 56 per cent of the eligible poor who did not buy food stamps in food stamp counties. The purchase price requirement closed the door on the poorest of the poor because the lump sum cash payment was too high for them to meet at any one time in the course of the month. It restrained those whose income was between $30.00 to $200.00 a month from participating because of the high percentage of income they had to put into food stamp purchases to the sacrifice of other necessities. It discouraged the participation of those making $200.00 a month and up because the return involved in the bonus-cash purchase ratio was not attractive enough.

The coupon allotment value has similarly functioned to dissuade many food stamp customers. From 1964 through 1969 the total coupon value ranged in the North from $60.00 for a family of four with monthly income of less than $20.00 up to $112.00 for a family earning $330.00 to $360.00. In the South the range was from $58.00 coupon value for a family under $30.00 up to $80.00 for a family in the $190.00 to $210.00 bracket. This irrational distribution, with more coupons going to the less poor, was challenged in court and finally abandoned in December, 1969, with the institution of new coupon issuance tables that set total allotments at the level of the Economy Food Plan, without regional variation. (The Economy Food Plan at the time set $106.00 a month for a family of four or slightly over 29 cents per person per meal. The amount now is $112.00 per month or slightly over 30 cents per person.)

The selection of the Economy Food Plan could only have been made from the desire to limit spending, for earlier in 1968 the Department of Agriculture had thought it inadequate for nutritional purposes.

> Studies show [the Department had commented] that few families spending at the level of the Economy Plan select foods that provide nutritionally adequate diets. The cost of this plan is not a reasonable measure of basic money needs for a good diet. The public assistance agency that recognizes the limitations of its clientele and is interested in their nutritional well-being will recommend a money allowance for food considerably higher than the cost level of the Economy Plan. Many welfare agencies base their food cost standards on the USDA Low-Cost Food Plan which costs about 25 per cent more than the Economy Plan.

A year later the Department changed its mind and described the plan as providing "a fully nutritional diet." By 1970 the Department was prepared to assert not only that the plan "provides sufficient purchasing power for an adequate diet," but that "food plans providing an adequate diet could be developed at still lower cost."

In the midst of the December, 1970, congressional debate on the food stamp bill, a letter from Assistant Secretary Richard Lyng was interjected claiming that the "Economy Plan does provide families with nutritionally adequate diets . . . It is obvious, of course, that the more expensive food plans published by the Department offer families a broader range of choice and allow them to utilize foods with lower value per dollar."

Congressional Crises

In August, 1969, President Nixon proposed elimination of the food stamp program altogether as part of his welfare reform package without, however, providing for any offsetting increase in cash benefits. The attempt, which, again, could only have been made to save money to the detriment of actual stamp recipients, was abandoned in the face of public disclosure and criticism. In the fall of the same year, the Administration actively lobbied against the food stamp bill sponsored by Senators McGovern and Javits (R-N.Y.) because of its high allotment ($134.00 a month, the dollar equivalent of USDA's Low-Cost Food Plan as distinguished from the Economy Food Plan) and lowered purchase price (no more than 25 per cent of income would have been required to purchase stamps and free stamps would have gone to families of four with less than $67.00 monthly). The President threatened to veto food stamp legislation that exceeded his budgeted figures.

The most cruel triumph for budgetary discipline came in connection with the food stamp debate in the House on December 16, 1970, when a "work requirement" provision was passed as part of the House Agriculture food stamp bill. This provision compelled every able-bodied adult food stamp recipient to accept jobs paying at least $1.30-an-hour under penalty of having his family lose its entire food stamp allotment. It was passed during the Christmas season when many pre-holiday parties were in progress and a number of supporters of a bi-partisan substitute bill were absent. A substitute bill (called the Foley-Quie Bill after its principal sponsors, Rep. Thomas Foley [D-Wash.] and Albert Quie [R-Minn.]) would have set the allotment at 35 cents per person per meal or $128.00 monthly for a family of four. It contained no work requirement clause. But because USDA regarded the cost of the substitute bill as "entirely too high"—as Secretary Hardin wrote every congressman—it felt compelled to support the Committee bill.

USDA, in April, 1971, issued proposed regulations for implementing the 1970 act that clearly reflected budgetary considerations. Uniform nationwide income eligibility standards were set at slightly above the poverty level, but without regard for the welfare payment levels in many states. As a result, in states with high assistance standards for aged, blind or disabled individuals and couples (over $160.00 per month for one person and $210.00 for two), elderly persons on welfare who were previously automatically eligible to receive food stamps were to be denied such benefits. The thrust of this change, coupled with resource-asset tests that were more stringent than under some welfare systems, would have been to eliminate as many as 350,000 participants from food stamp rolls.

There was an outcry from Congress and the public. The final regulations, issued in July, 1971, automatically included every welfare recipient as a food stamp eligible. The annual cost of re-including the one-third of a million persons who receive the smallest possible monthly bonus ($10.00) was not in excess of $42 million.

By yielding the $42 million, the Department sought to mollify critics of two other cost-reducing changes that were to go into effect shortly after January 1, 1972. The changes on their face appeared to flout the Congressional intent in passing the 1971 food stamp act revision, acting as they did to constrict, rather than expand, the number of food stamp users. The same uniform standards that would massively increase eligibility in the South would also cut off from food stamps in twelve states another 75,000 elderly poor persons not on welfare and whose incomes were at the top of the scale. In addition, the Department had promulgated new food stamp purchase schedules that drastically raised the cost of stamps to the "richest of the poor" without concommitantly increasing the value of their stamp allotments.

The practical result of these regulations was to reduce the benefits of 1,750,000 persons. The Department offered no estimate of how many of these would voluntarily quit the program rather than expend considerable effort for little return. For example, welfare recipients and other persons in New York and elsewhere whose income for a family of four was in the vicinity of $360.00 a month would have to pay $99.00 for $108.00 in stamps instead of $82.00 for $106.00 as before. This precipitous 62.5 per cent drop in bonus value from $24.00 to $9.00 was designed, according to Assistant Secretary Lyng "to feather out the benefits as income approaches the eligibility standards" in order to lessen alleged disincentives to earn additional income. The justification was that a person with a job earning $4,300 would decline a $4,500 job if the latter job would cost him $288.00 in food stamps annually, but not if the loss were limited to $108.00. How much less well he would eat if he stayed at $4,300 because no other job was available (the most likely circumstance) was not considered significant.

The response to the approaching reduction of benefits to nearly two million participants peaked on the eve of the implementation of the new purchase schedules. Elderly participants in the White House Conference lobbied their congressmen. Sen. Hubert Humphrey (D-Minn.) introduced a resolution to preserve the previous eligibility standards and purchase schedules for those who would otherwise be hurt by the new ones. The resolution was tacked on as an amendment to the Children's Dental Health Act of 1971 and sent to the House. Twenty-eight senators petitioned Secretary Butz to make the necessary regulatory changes without the necessity for Congressional action. Fourteen Northeastern state government officials, including many Republican governors, appealed for a moratorium on the cuts. Senator George Aiken (R-Vt.), ranking minority member of the Senate Agriculture Committee and a supporter of food stamps in the 1950's, tried to persuade the White House to undo the damage. Finally, it was revealed that the Office of Management and Budget had impounded $202 million in food stamp monies that represented the increase in appropriations over the Department's budget request.

The Department, accordingly, retreated, and ordered modifications in the regulations to ensure that no previously eligible participants would lose any benefits when the new purchase schedules went into effect. This meant formally loosening all controls over the withheld $202 million, although the program's rate of spending (approximately $150 million a month) would still leave it with $418 million plus to spare by June 30. The final resolution of the struggle was a welcome move to anti-hunger advocates; yet all their efforts actually went not to expand the program, but merely to hold the line against the forces of budgetary restraint. But, in the end, $418 million in food stamp funds was denied to recipients in the name of preserving the budget.

SCHOOL LUNCH

Other food programs have been damaged or amputated by the swing of the budgetary scythe. Major school lunch amendments were passed in May, 1970, after three months of bargaining to overcome Department of Agriculture reluctance to accept responsibility for seeing that states and school districts furnished a free or reduced price lunch to every needy child (the poor and in some states and localities, the near-poor as well). The amendments called for positive state action to extend free lunches to all schools.

Accentuating the Negative

The failure of those amendments to achieve their intended goal two years later is directly attributable to the Department's method of handling their execution. The Department delayed the announcement of regulations governing the new amendments for over 100 days, until the eve of the school year on September 4, 1970. Then, instead of a clear, unambiguous statement, positively notifying state and local officials about the extent and timing of their obligations under the new law, the Department stressed the negative—what they did *not* have to do. Instead of specifying simple procedures for determining eligibility, the Department added complexity upon complexity, bewildering school personnel and parents alike.

On October 13, 1970, for instance, Herbert Rorex, head of the Department's child nutrition programs, wired his regional directors to reassure those responsible for state and local action that "there are no requirements to force any school into the school lunch program or to force feed any child no matter how needy." This was purely gratuitous and unworthy of an official in Mr. Rorex's position. But the message was clear: go slow.

Similarly, the Department consistently refused to acknowledge, let alone inform others, that the new law was in effect and mandatory at the start of the 1970-71 school year in September, 1970, rather than January 1, 1971, when national minimum eligibility guidelines became binding. The result: many school districts toyed with their obligations during the fall and did not seriously begin to contemplate adhering to the law until four months had passed. As a consequence, at least half a school year of feeding poor children was lost in many places. The budgeted funds languished unused.

The Department's excessive cost consciousness has been evident in other decisions affecting school lunches. The Department has required states to make their application forms much more detailed as to parents' income. Some 13 income category boxes must be completed. States cannot deliver lunches free or at a reduced price solely on the basis of family size and income level without reference to a complex three-tiered scale that has proved impossible for many school principals, let alone parents, to interpret. Nor was the Department willing to let West Virginia and Pittsburgh proceed with their plans to feed everyone in their schools at least a reduced price lunch, a plan which in West Virginia, at least, had led to a doubling of participation to 80 per cent of all pupils. The Department simply refused to pay the bills unless some selectivity was adopted, forcing the poor and the near poor to declare themselves neglected.

One of the most harmful actions by the Department in administering the new school lunch law was the promulgation of a regulation regarding reimbursement rates for free or reduced price lunches.* This regulation prohibited any state from re-imbursing a school district at a rate of more than 30 cents per meal served in certain needy schools unless the district first gave a re-imbursement rate of 12 cents in "across the board" general cash assistance to *all* meals served in those schools. The Department was certainly aware that "across the board" funds to which its regulation referred were limited to a nationwide average at the time of slightly more than four cents. Thus its 30 cent re-imbursement limit was a virtual insurmountable barrier to meaningful aid in hard-pressed schools since the majority of special cash monies would be untouchable while school boards refused to extend service because of limited re-imbursement.

By the time the Department became willing to remove this barrier, $47 million of the $356.4 slated for the fiscal year was lost. In March the Department agreed, effective in February, to permit states to transfer special assistance funds to the general assistance pigeonhole in order to satisfy the 12 cent tests. In other words, the Department sought to remedy the impact of its original restriction (a matter of regulatory policy invented by the Department rather than statutory policy mandated by the Congress) by encouraging the diversion of money from a source (the special assistance fund) specifically intended to help feed the poor. The effect of this transfer was to increase support for lunches for *all* children in a given school, including those from the middle-class.

In sum, the Department, by emphasizing the negative rather than exhorting positive compliance; by underwriting procrastination; by refusing all requests to simplify and reduce paperwork; by denying all overtures to universalize free or reduced price lunch service in endemically poverty-stricken areas; and by withholding funds until an impossible condition could be met, had brought budgetary savings at the expense of needy children.

Former presidential advisor Dr. Jean Mayer on Christmas Eve, 1969, had promised that the Administration would spend "what it will cost" to do the job of giving every needy child a school lunch. By the spring of 1971, the purse was open only in the midst of crisis, shifting monies from states with surpluses to states whose lunch programs were in the hole. None of the states or school districts were particularly willing to engage in rapid program expansion because of the uncertainty that promised federal funds would be forthcoming. The federal government by waiting until the last minute to commit itself, ensured that state and local bodies would do likewise.

Regulating Reimbursement

In August, 1971, a few days before school opened, the Department, trying to correct the funding imbalance induced by administrative of reimbursement rates in the spring, proposed a new set of regulations, limiting reimbursement for free and reduced price lunches from an overall average of 35 cents (30 cents special and five cents general cash assistance) which was much less than most of the states had received the previous spring. Assistant Secretary Lyng, in announcing the regulations, warned that "fiscal discipline is always difficult but it is absolutely essential if we're to live within our budget."

The state school lunch directors reacted as if to a declaration of war. Nearly every state had planned for the fall in reliance on the spring reimbursement structure. Now the Department was scrapping that structure and replacing it with a new one that entailed cutbacks in the majority of states. Although the exact impact of the Department's action was never certain, 37 states claimed that their programs could not be expanded to reach any more needy pupils and some insisted that they would have

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**Financing of the school lunch program is complex, but some knowledge of its intricacies is necessary to understand USDA action. There are two federal categories for cash assistance, deriving their authority from the National School Lunch Act. Section 4 of that act provides for general cash assistance in support of school lunch programs across the board, without regard for the needs of the school or the income status of children enrolled. Section 11 provides for special cash assistance to lunch programs in what are considered "needy schools." The average general cash assistance nationwide is six cents per meal. Special cash assistance nationwide averages 42-43 cents.*

For every federal dollar put into the Section 4 part of the lunch program, the states must provide $3.00 in matching funds. Prior to July 1, 1971, there was no precise definition as to where the state's $3.00 matching money had to come from and, in fact, historically it came from the sale of lunches. Regulations now require that for fiscal 1973 twelve cents of that $3.00 in matching revenue be derived from state sources other than from the sale of lunches.

to shut down many of their lunchrooms. The problem, of course, was that many states that had reached only a few of their poverty enrollment in 1970-71 had much more to spend than 35 cents per lunch, because their money was spread over a small number of lunches. With the same, or only slightly larger, amount of money available in 1971-72 to divide among many more lunches, an income-expense gap was inevitable unless (unlikely, if not impossible) state funds filled the breach. If not, the children would suffer.

The situation was familiar. Congress had made the money available. The Office of Management and Budget wanted no part of it. At the end of June, Congress had enacted a special appropriation of $100 million in customs receipt funds to carry out the provisions of the National School Lunch Act relating to the service of free and reduced price meals. While this money was specifically intended to support summer feeding in recreation programs, much of it was still available for the regular school lunch program. But Assistant Secretary Lyng admitted in a Senate hearing that September that the Office of Management and Budget controlled the amount expended and wanted no more going out than the administration had sought in January 1971, regardless of how conditions had changed since.

With a majority of states adversely affected, the outcome in the Senate was hardly in doubt. On October 1, the Senate passed a resolution calling for an average reimbursement rate of 45 cents per free and reduced price lunch. The Department, seeking to head off House approval of the resolution, countered with an offer to keep the reimbursement rate at 45 cents a lunch, but, in return, to deny states the right to stipulate a less stringent eligibility standard for free and reduced price lunch than the Federally promulgated poverty level. The probable consequence of this offer was a loss of lunch to approximately 1.5 million children in 31 states and the District of Columbia where a higher standard had already been in existence.

Again, there was a round of senatorial protest (59 senators wrote a letter of complaint to the President seeking his intervention), private criticism (Dr. Mayer called the proposed cuts "mean-spirited") and Congressional action (the House Education and Labor Committee voted 31-0 to override the cut-off of children). The President swiftly ordered the regulations rescinded. This time Congress put an end to further activity with a resolution raising reimbursement rates to a minimun (not average) of 46 cents per meal, in the process eliminating the possible incentive to serve reduced, rather than free meals, and accepting all state eligibility standards in existence before October 1, 1971.*

Equipment and School Lunch

One of the most critical factors in restraining the school lunch budget has been the Department of Agriculture's continued slighting of Congressional concern that substantially more funds be used for equipment assistance to enable schools that now have no cafeteria or kitchen facilities to serve lunch. Congress authorized expanding so-called "non-food assistance" for food preparation, transportation, storage and service equipment to reach $38 million in fiscal year 1971 and $33 million in fiscal year 1972. The Department opposed appropriation of more than $15 million each year for equipment purposes. The Department had its way (although the states reallocated their flexible Section 22 funds to apply an extra $22 million toward equipment in 1971) and as a result children in most of the 18,000 schools throughout the country without kitchen equipment remained unable to participate in the lunch program.**

Congress' goal in providing greater equipment funds was to assure that over a four year period most of the schools currently without facilities could, at the average rate of $10,000 per school, afford to operate as satellite units of central kitchens through the purchase of freezers to hold and convection ovens to heat meals packaged elsewhere. According to the National School Food Service Project, fully equipping all such schools could be achieved with a fiscal-year-1972-through-1975 appropriation of $48 million, for the 75 per cent of federal match of state and local monies would bring in $16 million additional state and local dollars invested in ovens and freezers and lesser equipment. Yet even this sum would not help the thousands of schools that already do serve breakfast and/or lunch with the aid of grossly inadequate equipment that hampers them from efficiently reaching every eligible child.

USDA probably was opposing more than just the amount of money authorized by Congress for equipment. For if all schools had such equipment a larger federal expenditure would be required to support their new lunch programs.

SCHOOL BREAKFAST

At the same time states were reacting unfavorably to suggested retrenchment in lunch support, the Department of Agriculture made moves in the direction of retarding the school breakfast program. The Department clamped a budgetary freeze on 25 per cent of the appropriation, issued trial balloon regulations holding average reimbursement rates to 15 cents per breakfast, and proposed preventing the states from shifting other school food service funds to the breakfast program. When Congress legislatively forced the Department to back down from these initiatives, which would, for example, have limited breakfast service in Kentucky to two months out of the entire school year, and then ordered the Department to report to it the need to fund all schools desiring breakfast programs, the Department responded with a survey showing that only 1,170 schools without breakfast wanted to serve it and thus only $3 million in additional funds would be necessary. The Department's study neatly understated the real demand by eliminating from consideration some 20,550 other schools that would like to have implemented the breakfast program were sufficient funds available to provide them with reasonable reimbursement rates.

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*In September 1972, Congress raised the across-the-board reimbursement rate for all lunches to eight cents, thereby automatically increasing the free meal rate to a 48 cent minimum. In addition, Congress set uniform income eligibility guidelines at the poverty level for free meals and gave the states the option to serve free meals to children from families whose incomes do not exceed the poverty level plus 25% (approximately $5140 for a family of four) and reduced price meals up to the poverty level plus 50% (approximately $6165 for a family of four).

**Over 4,600 of the 18,000-plus schools without lunchroom facilities are located in cities with populations of 100,000 or more.

To terminate this numbers game, Congress has had to move in 1972 to provide authority for any school requesting the program to begin serving breakfast.

SPECIAL FOOD SERVICE

Budget restraints and political confrontation have also dominated the history of the special food service, or Vanik program (after Rep. Charles Vanik [D-Ohio], its Congressional sponsor when it was enacted in 1968). The program provides meals and snacks to small children in day care centers or school age children in summer recreation camps.

The program began with a trickle of requested funds in fiscal 1969—$5.7 million. No more than $3.2 million of this amount was ever utilized because the Department of Agriculture had no field network capable of communicating with any significant number of the small, unorganized private centers that handle pre-school children and school-age children when the schools are closed. President Nixon recognized this fact when he sliced former President Johnson's fiscal 1970 budget request for the program from $20.5 million to $10 million, only to have Congress approve $15 million. Predictions of 400,000 children being fed by the program in the summer and year-round in fiscal 1970 collapsed to a more realistic 320,000. Some $8.8 million of the appropriations was carried over for use in fiscal 1971 in addition to $12 million in direct appropriations.

For three straight years between 40 and 60 per cent of appropriated monies went unused because the Department refused to undertake a concerted drive to promote the program and spend the sums in hand. The Department, accustomed to dealing with the known quantity of fifty-plus state school lunch directors, did not make the effort necessary to reach out to a myriad of potential recipient institutions. The funds were passed on from one year to the next, with each fiscal year's new funding not appearing large because of infusions from the year before which never left the Treasury.

In keeping with such a parsimonious doling out of food resources, the Department arranged with the Department of Health, Education and Welfare (HEW) to limit Department of Agriculture food aid going to the Head Start programs. The two departments also agreed in late 1969 that Head Start Programs which were initiated prior to November, 1969, or which had food funds incorporated in their Head Start budgets and financed by Head Start could not participate in the Vanik program.

This decision flouts the remarkably unambiguous program authorization calling for "grants" to "maintain" "non-profit food service" in child day care centers or other child care for children from areas with poor economic conditions. Its impact has been severe. Head Start now spends 13 per cent of its entire appropriation—or slightly over $50 million—to feed its 378,000 youngsters. The Head Start budget was cut back ten per cent in fiscal 1971 until Congress overruled the President and restored the cut. Its fiscal 1973 allocation is to be $386 million, a maintenance budget insufficient even to counter the impact of inflation which is nowhere more immediately felt than in the cost of food.

Thus, the effort to retard nonschool food service program expenditures succeeded also in restraining expansion of Head Start to reach the total of 1.6 million additional eligible three to five year olds below the poverty level who need its services.

Internal Conflict

In the spring and summer of 1971 some regional officials of the Department of Agriculture came into conflict with their Washington superiors over extending the Vanik program's outreach. The local officials, aware of the program's surplus funds and apparently resolved to put the money to effective use, went all out to sell special food service to major cities. In Chicago one local official notified potential sponsors that "we want to reach more children" and asked whether they knew "of any non-profit summer programs or day care centers which will be in need of financial assistance with food costs? . . . If you know of any, please contact the USDA." Detroit was urged to triple its capacity. Los Angeles was told that if it found the children, USDA would find the money. San Antonio was promised $200,000 a month in food.

But Washington officials were not as enthusiastic about promoting their product. First, the Department, reacting to a report of its Inspector General that some cities had claimed they were using volunteer services as their required local contribution, tried unsuccessfully to ban the use of volunteer labor as part of the state match. Second, the Office of Management and Budget decided to hold the 1971 spending level to 1970 figures.

Thus eleven cities that had been stimulated by USDA regional officials to participate in the Vanik program and had prepared to feed some 500,000 children, were told by program heads that the money was not available. Deputy Assistant Secretary Philip Olson claimed that the 1970 spending level was adequate because every state could operate without cutbacks and that "programs expanded beyond this level would be counter-productive because of administrative problems."

Congress, again, took remedial action. It passed two bills extending the Vanik program's life and in the process furnishing more funds. The Department did not capitulate until forty senators, led by Republicans, wrote the President to complain. The Office of Management and Budget reversed its decision and released an additional $15 million to the Vanik program. The episode, although familiar in many respects to other budgetary conflicts between the Department and Congress, was also unique in that it had been precipitated by local USDA initiative.

The pattern has repeated itself in 1972 (not enough money available; Congressional investigation; Presidential release of funds) only this time no Department officials have promoted greater expenditures by any city. Rather, the Department has leaned over backwards in the other direction, threatening to cut off the program entirely at any sites serving bag lunches to more than two staff adults per 100 children. USDA would rather have 54 cent meals thrown away, if fewer than the anticipated number of children show up on a given day, than permit hungry adults to eat.

EMERGENCY FOOD AID

Budgetary manipulation has affected other food programs. No sooner had the Emergency Food and Medical Services program (EFMS) begun to make an affirmative impact in previously neglected places such as rural Texas, than it was determined to be surplusage and slated for retirement. The Administration argued that the functions of EFMS—primarily food program outreach that deeply involves recipients in program mechanics and supplies jobs in food programs to the poor—would soon be fulfilled by the Department of Agriculture. But the Department's version of outreach consists of paying for 62.5 per cent of the state cost of hiring middle-class civil servants to become part of state and county welfare systems. Even then the budgetary line for this administrative cost-sharing does not remotely approach the close to $50 million utilized by EFMS in fiscal years 1970 and 1971. The Congress has forced the administration to spend $20 million in 1972, $4.5 million of which, at the insistence of the White House, is going to the American Red Cross to pay the expenses of Project FIND, a program to inform the elderly about the availability of USDA food assistance. This is still a major cutback in the very first program that was an outgrowth of this Board and of Congressional concern over hunger in 1967.*

AID TO PREGNANT AND NURSING WOMEN

In *Hunger, U.S.A.* we expressed our concern over the fact that existing food programs did not take into account the special dietary needs of pregnant women, the aged, infants, and perhaps others. In response to our criticisms and that of others on this vital point, Congress in 1967 enacted a program to distribute supplementary food packages to pregnant, nursing and post-partum mothers (through the first year of the child's life) and to pre-school children. County health departments were encouraged by the Department of Agriculture with some success to distribute the packages. President Nixon endorsed the program in May, 1969.

But, despite this early support from the Department and from the President, budgetary considerations surfaced in April, 1970, when the Department announced that the program could no longer be extended to any food stamp areas and that in commodity areas where the program had already begun, children over one year of age would not be allowed to participate. For those women and children still eligible to participate, the food allotment would be slimmed down by reducing vital sources of Vitamins A and C, calcium, protein, and riboflavin. The effect of these actions was to render the program practically worthless to the people it was designed to help. Participation has been understandably poor. By June, 1970, the program was supposed to reach 460,000. Today it serves 164,000 women and children in 266 project areas or approximately 35 per cent of its original target and fewer than ten per cent of the people it might help.

The program received new life in December, 1971, not, apparently, due to any objective reassessment by the Department of the nutritional needs of poor, pregnant and nursing women and children but rather due to political considerations. Throughout 1971, and especially during the summer, Detroit, Michigan, repeatedly asked for an expanded supplementary feeding program to fill the gaps left by inadequate food stamp distribution in the inner city. Its requests were turned down, on the grounds of insufficient funds. This decision was reversed on December 3, 1971, following two events. On November 29, 1971, as reported in the *Washington Post*, Michigan Senator Robert Griffin met with Department of Agriculture representatives to discuss his position on the nomination of Earl L. Butz as the new Secretary of Agriculture. The next day a Department deputy assistant flew to Detroit to inspect the supplementary food program. On December 2, Butz was confirmed by seven votes, including Griffin's. Shortly thereafter an additional 12,000 mothers and children were added to the supplementary food package program in Detroit. On December 12, a Department team, responding to a new demand from Detroit that the high-nutrition items removed from the package nearly 21 months before be restored, made another trip to the city. Nine days later, peanut butter and scrambled egg mix went back on the list for the entire nation and the fruit juice distribution rate was boosted.

PILOT FOOD CERTIFICATES

Under this program pregnant and nursing mothers receive certificates enabling them to purchase up to $5.00 of milk monthly for themselves and $10.00 of milk or iron-fortified formula and instant baby cereal for their infants under one year of age. It is now in effect in only five counties in the country (Yakima, Washington; Bibb, Georgia; St Johnsbury, Vermont; Cook, Illinois; and Brazos, Texas) and reaches approximately 12,000 people. The Department considers the program a controlled experiment to determine whether a mother and child's nutritional status improves if given increased food purchasing power. The cost of running the program is slightly more than $100,000 a month, miniscule in the total food program budget.

The Department, while on the one hand, employing the pilot certificate approach to counteract pressure to expand the supplementary package program for the same target population, has expressed some opposition to extension of the program beyond its current status. Although participants like the program, the Department has said, "the major impact of the pilot program was to replace cash expenditures with certificates, which had the effect of extending family income." In other words, the mothers did not buy any more milk or formula; they merely bought more food for the rest of their families with the money they previously spent on milk. Understanding this reality, however, has not to date made the Department any more sensitive to yet another reality: poor people want to have the ability to meet their own food needs as they see fit.

**The program, proposed by Mississippi Senator John Stennis in July, 1967, following the testimony of six physicians before a Senate Subcommittee on the existence of widespread hunger and malnutrition in Mississippi, was enacted into law in 1967.*

STAMPS AND COMMODITIES TOGETHER

It took political pressure from overseas to settle the last budget-engendered food program dispute of 1971. Congress had specifically authorized a county simultaneously to distribute commodities and food stamps in the same area (but not both to the same family in any given month), when a state was willing to pay commodity delivery costs or in the face of an emergency. The administration and the Department, in fact, had sought this authorization both in 1969 and 1970. But once the law was changed to permit dual program operation, the Department obstinately refused to permit counties to take advantage of it.

Seattle, Washington, residents took the matter to federal district court. The city had over 110,000 persons unemployed, many with assets such as homes that were unsaleable and yet too valuable for them to meet the food stamp resource eligibility tests, many with incomes insufficient to meet food stamp purchase schedule demands, after meeting house, auto, and insurance payments. The court ordered the Department to implement the law and called the Secretary's action in refusing to allow commodity distribution "arbitrary and capricious" in view of Seattle's economic hardship. The Department delayed action while considering an appeal to higher court. The Office of Management and Budget reportedly fretted over the principle's possibly being extended nationwide, resulting in costly double programming.

Then the city of Kobe, Japan, intervened, bringing about a policy change that the intervention of Washington's Republican governor and other state officials had been unable to achieve even when appealing to White House domestic affairs chief John Ehrlichman, a Seattle native. Kobe employed the powerful weapon of humiliation. It shipped one-half ton of rice noodles and canned food to a church-sponsored group to distribute to the poor. The Department reversed itself and gave in. But only in Seattle

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Summary

1. Budgetary discipline, rather than efficient disbursement of available funds, is the clearest thread running through USDA administration of federal food programs.

2. Anti-hunger forces in and out of Congress have had to exert constant pressure to keep present levels of funding from being curtailed.

3. USDA, sometimes through apparent inertia, more often through arbitrary administrative regulations, has delayed and sometimes completely thwarted Congressional appropriation mandates to bring more people into the family food programs and to increase the level of participation in school lunch programs.

4. USDA has controlled participation in the food stamp program by setting high purchase prices, low allotment values and delaying acceptance of applicant counties.

5. USDA has concentrated on limiting reimbursements it pays schools for each meal and upon restricting the income levels of eligibility for free and reduced price lunches as the primary means of restricting school lunch expenditures.

6. The Special Food Service Program, designed to provide meals to children in day centers, has not been effectively utilized. Appropriated monies consistently have been allowed to go unused, and Washington USDA officials have explictly discouraged innovative outreach efforts of regional USDA offices.

7. Major cutbacks in the Emergency Food and Medical Services Program have come at a time when the program seemed to be making affirmative impact.

8. USDA's program to provide special food aid to pregnant, nursing, and post-partum mothers and preschool children, after being severely curtailed in 1970, gained new life in 1971 during successful efforts to confirm Earl L. Butz as the new Secretary of Agriculture.

9. Operation of both food stamp and commodity distribution programs, although now officially authorized by USDA, has been allowed only in Seattle, Washington, following an overseas shipment of food from Kobe, Japan, to Seattle's poor and unemployed.

IV.
Jurisdictional Rights

While nothing has been more deleterious to the war on hunger during the past four years than budgetary constraints on the arsenal of weapons, the campaign has also been severely handicapped by the reluctance of various governmental arms to cross jurisdictional boundaries. In the absence of vigorous Congressional directives to the contrary it is clear from the food programs histories that the principle of non-intervention will continue.

FOOD STAMP

The Food Stamp Act of 1964 left it up to each state to determine whether it desired to participate in the program. No county or city could help its residents receive food stamps so long as the welfare agency of the state in which it was located refused to accept responsibility for overseeing the program's administration and for filing a state plan of program operations. Even when the state plan was already prepared, even when no state administrative costs were at stake, and even when minimal overseeing by the state was involved, the state still had the right to prohibit a willing county from running a food stamp program.

Local Recalcitrance and Initiative

Throughout 1970 Oklahoma state Welfare Director Lloyd Rader, in fact, successfully blocked a food stamp program in Harmon County, Oklahoma, despite the desire of county commissioners to have food stamps, despite the existence of an outstanding $32,000 OEO grant to the local community action program to cover the costs of certifying eligible families and issuing them stamps, and despite the completion of a satisfactory state plan. Rader simply refused to permit a food stamp program in Oklahoma. Harmon County Commissioners in March, 1971 finally went to the commodity program.

Then in March, 1972, Oklahoma agreed to take food stamps, leaving three states still without a food stamp program: Delaware, New Hampshire, and Nevada.

Although states have the power to bar the food stamp program from their boundaries, they cannot, once they have accepted the program, compel local governments to make use of it. They can coerce, they can persuade by offering to shoulder administrative costs or by relying on state legislation demanding a statewide program funded for the most part by the state itself, but in practice states do not compel unwilling counties to expend their own funds to start the program. For example, although the Florida legislature passed such a statewide law in 1970, the lack of sufficient state appropriations to pay administrative costs meant that only a handful of the state's 64 counties complied until late 1971. At the moment, Boston, Dallas and San Diego are the largest metropolitan areas not covered by the food stamp program because of local option.

By contrast it should be noted that a state welfare director who conscientiously strives to promote food programs in uncooperative counties can be successful, if he is willing to bear criticism and run political risks. For example, when former Georgia Welfare Director William Burson took office in 1967 (appointed by former Governor Lester Maddox) some 69 counties in the state were without any kind of food assistance program whatever. Burson launched a campaign to bring every county in Georgia into either the food stamp or commodity program. His methods included friendly persuasion—but also outspoken public criticism of resisting public officials. As a result he was denounced mightily by other political leaders and his job was often in jeopardy by threats from irate state legislators who resented his "meddling" in affairs of local governments. But Burson would not be intimidated. He succeeded finally in bringing a food program to every Georgia county except one. Reports persisted throughout his term that Governor Lester Maddox was on the verge of firing him, but the enigmatic governor always stopped short of doing so. His public support of Burson was always lukewarm, but despite all efforts of Burson's adversaries to force him from office, Maddox refused to renounce him.

In some parts of the country, particularly the Northeast, a county may have no power whatever to control the towns within its borders. The authority to cooperate with or bar the food stamp program may reside at the ultimate political level of the township. Middlesex County, Massachusetts, may supposedly have a food stamp program in operation, but that does not mean that Cambridge, the locality with the highest poverty population, is covered. Cambridge, by local option, is involved in commodity distribution. Bristol County, Massachusetts, may proclaim that it issues food stamps, but the stamps do not reach the residents of New Bedford, a city with one of the highest rates of unemployment in the United States.

Waiting On USDA

Even if the state, the county and town prove to be willing to institute a food stamp program, the federal government may not be. The Department reviews the state lists of waiting counties and makes its own decision as to whom to admit. This decision is often based on budget limitations, but also, critics declare, on political favoritism.

In June, 1969, at the same time he was returning $30 million in appropriations to the Treasury for fiscal year 1969, Secretary Hardin refused to expand the rolls by admitting counties that had requested inclusion. In April, 1971, the Secretary refused to admit any of the 100-plus patiently-waiting counties, despite an unlimited authorization, because the Office of Management and Budget would not allow him to spend any more money on the program than was absolutely necessary. Congressman Whitten was finally forced to write a directive into the supplemental appropriations ordering that 135 counties be admitted, but the order came too late to have an impact before fiscal 1972 and was not acceded to until October, 1971.

The USDA has, on its own, barred Puerto Rico, the Virgin Islands and Guam from the Food Stamp program. Congress is willing, even if not anxious, to have Puerto Rico included, but the Department has exercised its discretion to the contrary, apparently because more than one million Puerto Ricans would be eligible at a potential annual cost of over $200 million. Once again, budgetary concerns impel the Department to maintain the status quo with Puerto Rico eligible only for a reduced bag of commodities and the Puerto Rican poor confronting unusually high food prices (because of transportation to the island) with the lowest incomes in the country (the island's per capita income is less than 70 per cent of Mississippi's) and no increase in their food purchasing power.

COMMODITY DISTRIBUTION

The overlapping, conflicting jurisdictional blocks to any family's participation in the food stamp program are mirrored in the commodity distribution program, where there are absolutely no statutory obstacles to complete federal control as to program installation. The federal government has the power and uses almost none of it. If a state won't agree to help feed the poor, the federal government will not ordinarily intervene. Nor will the federal government normally interpose its authority to coerce county and township governments.

Observing States Rights

The Department in 1967 did make one tentative stab at expanding its own role in the commodity program beyond that of buying the commodities and dropping them off at various rail points in the participating states. (At last count 35 of the 50 states were involved in commodity distribution). In November of that year the Department became uneasy about complaints that hundreds of counties with high rates of poverty, primarily in the South, were purposefully turning their backs on available commodities because of the allegedly high cost of storing and transporting them. By administrative fiat, the Department offered discretionary funds to counties or other political subdivisions that were selected by state commodity agencies (mainly state education departments) as being in need of monetary assistance to meet distribution expense.

There were no regulations specifying the exact method for allocating this financial aid to local governments. As a result, the Department determined to assist those 340 counties in the country that were without any family feeding program and that were also among the 1,000 counties in the country with the lowest per capita income according to the 1960 census. The qualifying areas were aided on a variable basis, up to the total cost of handling the program. Until the spring of 1970 the Department aided some 188 government units in that manner.

In the most recalcitrant locations on the list, where local officials refused to administer the program even with federal operating money, and were also opposed to the federal government doing it for them, the Department did intervene directly. USDA started and ran commodity distribution programs in 46 counties in 1968 and 1969.

Despite such intervention, however, the Department insisted still on upholding the principle that it would not operate a program in any unwilling place. The sanctity of jurisdiction was maintained by insisting upon proof of the acquiescence of the state and county in the Department's activities. In December, 1969, USDA offered an additional $15 million of discretionary monies to the states. The states were to use this money on a priority basis to encourage nonparticipating counties to start a commodity program as well as increase the frequency of distribution and provide better warehouse facilities so that already-participating counties could make the full list of goods available. The states were apportioned the funds on the basis of per capita income and their number of poor inhabitants without access to family food assistance. But the Department took no action to assure that every eligible state would accept its share and pass it on to its counties (six did not). It has since expanded the program slightly by releasing all the funds it had previously contributed to distributing food in those poorest counties without any food assistance.

If the federal government's obeisance to the bureaucratic cult of jurisdiction is bad, the fealty of states and counties to the principle of non-intervention is even more intense. The poor are nobody's responsibility. No governing body will accept responsibility for their welfare and none will have it thrust upon them. Perhaps the classic instance of this attitude was revealed in March, 1969, when the Senate Select Committee went to Collier County, Florida, to examine the plight of migratory farmworkers. Ewell Moore, Collier County Commissioner, informed the Committee when asked who would feed the migrants in the county and why he had not instituted a commodity distribution program:

> If the Federal people are going to do it, O.K. The migrants themselves are Federal people. They are not Immokalee people. They are not Collier people, they are not Florida people. They are Federal people, and if there is free food, these people will come early and stay late. We will have them in town all year long.

NO PROGRAMS AT ALL

As of June, 1972, there were at least ten counties in the United States without any plans for operating a federal family food assistance program. Six have never been in any such program: Jackson and Pitkin in Colorado; Scott in Kansas; Madison in Montana; Sioux in Nebraska; and Beaver in Oklahoma. Four were in at one time, but then withdrew: Gilpin in Colorado; Knox in Missouri;

Blanco and Hunt in Texas. In addition, some 38 towns and cities in New England (20 of them in Massachusetts, 13 in Maine, and five in New Hampshire) refuse to participate even though other localities in their counties are involved in one of the two programs.

The Department, adhering to its hands-off attitude on jurisdictional problems, refuses to acknowledge the situation and proudly announces statistics on the 3,119 counties in which food programs are planned or in effect. Meanwhile, the Department persists in dealing with the programless county question as obliquely as ever, noting in its reports that "in cooperation with State officials, field staffs of USDA's Food and Nutrition Service are continuing to encourage and assist those remaining counties to adopt either a direct food assistance program, or a food stamp program."

The Courts vs. USDA

In April, 1968, we informed the American people that "neither food stamp programs nor commodity programs exist in over one-third of our poorest counties." We strongly recommended that "Federal food programs should be available to the needy of every locality and should not depend on local or state option."

The Poor People's Campaign of that year picked up this theme and demanded that the Department institute food programs in the 256 counties without food programs that were hunger distress areas. At the same time, poor residents of Alabama counties that had no food programs sued the Department for the same relief.

The Department responded by extending food distribution into counties that were willing to accept it if the federal government was responsible for administration. The Department budged no farther. It told the Poor People's Campaign that "administrative problems, in many cases local resistance, precluded expansion of the food program to additional counties, not lack of funds." Not only did it refuse either to overcome or ignore that local resistance, it also defended the Alabama lawsuit by arguing that the poor people had no right to ask the court to examine the Department's inactions.

In November, 1968, twenty-six other lawsuits were filed in twenty-six states against both the states and the Department for not implementing food programs. As it had in the Alabama case (which it finally lost in May, 1970), the Department contended that the plaintiffs could not seek judicial relief. It refused to obey an injunction, granted in California on December 30, 1968, restraining it from "refusing to put into effect in the shortest time feasible one of the two federal food programs . . . in every California county . . ." The state of California tried to comply; the Department did not. The federal judge was reluctant to find the Secretary in civil contempt and jail him. By June, 1969, all of the California counties had fallen into line and the case was dismissed.

Elsewhere, the Department continued to resist the legal actions. On November 21, 1969, the California order was repeated in Texas, affecting 88 counties. The Department stalled compliance for over six months. To undermine the suit, it sought unsuccessfully to have the FBI pressure one of the named plaintiffs, Annie Bell Jay, into declaring that she had perjured herself and retracting her testimony on her family's hunger. Finally, the court let the Department have until June 30, 1970, to comply, and the Department used all of its persuasive arts coupled with Federal administrative funds to coerce Texas into planning programs in every county. By June 30, the Department was able to claim that it had reduced the list of counties without food programs from 480 when it first took office to 32, and 22 more were off the list by August 31, 1970. But a national legal drive had been necessary to prompt the Department to embark upon a campaign of persuasion and abandon its laissez-faire methods. But that persuasion, implicitly accepting the limitations of federal authority, reinforces and does not overcome the jurisdictional hurdles.

Adams County, Pennsylvania

For a time the jurisdictional issue smoldered unnoticed. Then in January of 1971, it erupted again in Adams County, Pennsylvania, where county commissioners refused to believe that hunger existed. If it did, they insisted that laziness had to be the cause. They would not institute a federal food program. The commissioners were importuned time and time again, but stood by their original decision, claiming nothing could change their minds. They told two college students who were pressing for a program that it was "no use sitting here and talking; we have decided to stand on our decision until the end of our term." Senator McGovern sought to intervene, but was told he was not welcome. USDA merely watched from the sidelines, occasionally talking with local officials, but taking no action.

When Senator McGovern finally wrote Secretary Hardin strongly urging him to use his power to intervene, the Department responded by ruling out direct Federal action to feed needy families in all the holdout, uncooperative counties. While noting that it had the authority to open its own food distribution centers in the counties, the Department said it would not do so because of public opposition there and noted that it would continue efforts to get the counties to sign up voluntarily. Adams County finally came on board in September, 1971, when the commissioners gave up and installed food stamps.

SCHOOL LUNCH

Providing school lunch has also been a matter of states' rights (or rather local school board option) not subject to meaningful federal action to assure every needy pupil at least one nutritious meal a day. Until 1970 neither the Congress nor the executive branch assumed any responsibility for requiring, or providing incentives, for school districts to serve lunch in every school within their system (or, in a few instances, for the districts themselves to be involved). The Department did have a project labelled "Operation Metropolitan" that had minimal success in bringing 50 and 60-year-old inner city schools into the program, and Congress furnished some support for food service equipment to be placed in schools built without cafeterias. But universal lunch service for the poor was neither a requirement nor a stated goal.

The Senate attempted to change all that in February, 1970, by commanding that, as part of each state's plan of child nutrition operations (the first one would be filed by June, 1970), each state would describe how it would spend its program monies so as to include every school in the state including those without kitchen facilities by the deadline of September, 1972. The Department reacted strongly to this mandate and successfully lobbied in the House to remove any reference to a deadline and to delay submission of the first state plan for a minimum of seven months. The Department also succeeded in diluting the mandate of the legislation, changing the very specific requirement that the lunch program plan "shall include" every school to the more general requirement that the states "extend" their lunch program to all schools. Local freedom to reject federally-financed food for the poor was vigorously defended.

The Department has failed to criticize states whose plans offer no showing of any design, however prolonged, to extend the program to all schools. Instead, it takes pride in the fact that equipment assistance has meant that since April , 1970, approximately 6,600 schools have come on the rolls to participate in the school lunch program. At that rate, however, with 107,000 schools in all and spring, 1972, participation by only 89,400, another five to six years could elapse before food service is complete in inner city and rural schools attended by impoverished students.

The Department's analysis of the situation is poignant. When a Department administrator was confronted with the permissive attitude toward participation by schools and the question as to whether this meant that making lunch service nationwide was going to be like fulfilling the desegregation decision "with all deliberate speed and taking 15 years to get results," his response was that he hoped it would not take "quite that long." Congressional inquiries into local foot-dragging on the matter are met with the standard and superficially reasonable answer—"Basically, the Department is trying to reach these schools by working with State and local officials to develop food service systems that meet the special needs of the schools." And as if to evidence its sincerity (as ultimate goal, if not the timing of its attainment) in November, 1971, it awarded a contract to Washington State University to conduct a two-year study on why some schools do not participate in the school feeding programs.

Two years from now, with hundreds of thousands of poor children still not receiving lunch, the Department will receive answers it already has in hand. In fact, its own actions should figure prominently in arriving at those answers. It could also profit from the testimony of Burlington, Vermont, school officials before Senator McGovern as to why they refuse to feed children:

—"We pay our educators to teach and not feed children."

—"Most children can get an adequate breakfast and lunch at home."

—"Children need fresh air and exercise as well as food" including the walk home for lunch with their mothers and the walk back.

Such indifference we heard over and over in our visits around the country four and five years ago. But the Department wants to wait two more years for a study and then, if past experience is a guide, it will not seek to coerce school boards into obeying the intent of Congress. The best available evidence indicates rather, that the Department will, long before then, abandon attempts to bring about nationwide application. In fact, the language in the 1970 Act asking states to report their plans for extending lunch to all schools has been jettisoned in the school lunch sections of the Administration's education revenue-sharing bill.

ELIGIBILITY STANDARDS

The principle of the avoidance of jurisdictional conflict, as we have seen, means that the federal government will permit states, counties, and other local governmental bodies to ignore the food needs of the poor with impunity, even though federal food assistance in the form of stamps, commodities, or lunches is readily available for distribution if only the other jurisdictions would cooperate. But when it comes to determining which individuals or families should be permitted to receive federal food aid in any given locality, assuming that the locality is willing to allow the aid to be handed out within its borders, the federal government is inconsistent in its adherence to local determinations. When the cost of the aid would be greater if local eligibility guidelines were followed, the Department superimposes its own and prohibits local deviation upward. When local standards tend to be more restrictive, hence cheaper than federal ones, the federal standards will permit local deviation downward.

Until the 1970 Food Stamp Act and the July, 1971, regulations promulgated pursuant to that Act, every state in the program was entitled to fix its own monetary standards of eligibility, with monthly allowable income limits for households of varying size. These ranged from a low of $180 in South Carolina to a high of $350 in New York; and diverse liquid assets ranged from $500 for four persons in New Mexico to $2600 for four in South Dakota. The 1970 Act replaced this hodgepodge with uniform national standards, e. g. $373 in monthly income for a family of four and $1500 in resources, with special scales to account for the unusual cost of living in Alaska and Hawaii. (Initially, USDA regulations governing uniformity would have barred welfare recipients from food stamp benefits if state welfare payment levels or resource tests were more generous than federal food stamp guidelines. This flaw, as has already been noted, was corrected by Congressional action.)

But Commodities An Exception

Although there is no apparent rational basis for distinguishing between food stamp and commodity users in terms of their income, the Department has refused and continues to refuse to propose comparable national eligibility standards. The reason? The Department frankly points out that "there would be a rather substantial increased cost in the program" and that "action by the Congress might cause us to move more quickly than we might otherwise do", since the matter is "complicated no doubt by some budgetary considerations."

The Department had a formal package of national eligibility guidelines informally developed by the spring of 1969. The past three years have lapsed with total inaction. Families of four with monthly incomes over $200 in North Carolina and Tennessee, $210 in Texas, and $215 in Delaware, Mississippi, and New Mexico cannot obtain commodities. The income ceiling in every state involved in the program is below (in many instances 25 to 40 per cent below) the uniform Federal level that would otherwise obtain. State commodity directors have called upon USDA to devise a nationwide eligibility standard, but the recommendation goes unheeded. Uniformity is abandoned in this instance for the sake of the budget.

The Department has, of course, feebly protested for years while county after county engrafted exception upon exception to the income participation standards. Indeed, the Department in the spring of 1969 released a survey disclosing that one township in Indiana (Boone) refused commodities to households with dogs, that another (Center) would not give commodities to drunk parents, that over 30 had a required residence period, that over 100 required employables to accept work as a precondition to participating in the commodity program, and that every county in Texas excluded non-citizens from access to federally-donated foods.

The Department expended much effort in surveying, little in correcting. It promulgated a regulation outlawing the citizenship and residency requirements, but left the more harmful work requirement rule untouched. The Department could readily have banned the latter but took the less decisive route of encouraging counties not to enforce it.

When twelve California counties refused to abide by the state plan of commodity program operations and denied commodities to all welfare recipients, the Department's response was to suggest that its regional director on the West Coast use his "direction and guidance" to persuade California to bring its counties into line. The Department informed attorneys for poor people in the counties that it "does not condone such barriers to full participation" and then did nothing but exhort and, ultimately, offer expense money to California to persuade the counties to comply with the law. The issue was resolved only when the poor brought suit and succeeded in pressuring the counties to open up eligibility to welfare grantees.

State School Lunch Standards

The school lunch story on eligibility shows uniformity stressed in order to curtail any state action to expand the scope and cost of federal food aid. Until Congress acted in the spring of 1970 to require schools to offer a free or reduced price lunch to every child whose family had an income below the federal income poverty guidelines, the schools were free to adopt any definition they desired of a child's "inability to pay" the full cost of lunch. In 1968, the Department had weakly suggested that states furnish family income charts to their schools and that children of commodity, food stamp, and/or welfare families be automatically included. By 1970 the Department was willing to supply prototype income scales as a basis for the development of uniform state scales. These were only the mildest intrusions upon the right of each school to be arbitrary in selecting needy pupils.

The 1970 amendments were not designed to end local variations based upon local economic conditions. The poverty standard was to be the floor below which no school could set its eligibility limits. The governing standard was still "inability to pay" so that schools were still entitled, indeed required, to feed free or reduced price meals to the non-poor whose family incomes were nonetheless too low to support 40 cents or more per child per day.

Accordingly, numerous cities such as Newark, New Jersey (where $7,500 a year for family of four is considered the minimum at which a family can survive) and Nome, Alaska (where the comparable figure is $13,100) set special high standards of their own, while 40 states exceeded the national poverty level.

The Administration's response to this exertion of states' rights was to propose in October, 1971, that the poverty level be the ceiling as well as the floor for determining whose lunches would be federally supported, thereby cutting off special Federal cash from over one million lunches a day in Newark, Nome, and the forty states. Congress effectively overruled this administrative imposition of uniformity for one year, allowing higher statewide figures previously in use to continue in effect. The Administration's response, besides accepting the inevitable which came in the form of a unanimous voice vote in both house of Congress, was to refuse Minneapolis and several other cities the right to include all schools with substantial poverty attendance in the free and reduced price part of the program.* So, where local deviation is expensive (up to $100 million was at stake), a principle of nationwide uniformity would prevail—if the Department could act unchallenged.

ADMINISTRATIVE COST-SHARING

While the freedom of states and other jurisdictions to devise their own eligibility standards is curtailed when federal funding sources may be affected, local freedom to administer program benefits to the detriment of those who should be served goes relatively unchecked.

The Department supplies food stamps and commodities free of charge to the state and/or counties. But the Department will not rely on this in order to exercise dominance over local program operations, since the local bodies have to furnish or finance the manpower necessary for certifying eligibles, for dispensing stamps and foodstuffs, and for publicizing program benefits. The Department does make some contributions to state and local costs of this nature: currently $48 million in the food stamp program for the 62.5 per cent federal share of certifying non-welfare recipients and providing outreach workers and fair hearing personnel; $20.9 million under commodity distribution for expanding warehousing, adding distribution points, and establishing better storage and distribution facilities; and $3.5 million in school lunch for state-level administrators (the local supervisory costs come out of the per meal federal reimbursement).

But the remaining administrative expenses borne by the state and local budgets are substantial enough that the Department uses them as an excuse for refusing to

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Congress agreed in 1972 to permit free and reduced price lunch service to continue to all 1971-1972 recipients, regardless of income level, on a "grandfather" basis that might cost as much as $200,000 take further responsibility for local performance. State and local funds, however, amount to considerably less than 10 per cent of overall program resources vis-a-vis food stamps, approximately 15 per cent in connection with commodity distribution, and 20 per cent in the provision of school lunches.

PROGRAM COST-SHARING

While the items provided by the family programs, food stamps and commodities, are almost entirely paid for by federal funds, school lunches and attendant child nutrition meals are more of a mixed financial bag. Indeed, federal laissez-faire seems to be most acute in this area, perhaps in acknowledgement of that fact.

The child nutrition programs offer a crazy quilt of required state matching payment*:

—12 per cent of the federal expenditure for across-the-board cash assistance.

—Up to 35 per cent of the federal outlay for special cash assistance for meals to the needy (the excess of the cost of producing meals over 46 cents).

—Up to 60 per cent of the federal financing for breakfasts (all non-food costs, including labor as minimum match, subject to federal decrease to no matching at all).

—33 per cent of the federal investment in equipment (25 per cent matching).

—Up to 60 per cent of the federal input into meals in day care center and summer recreation program meals (all non-food costs, including labor as minimum match, subject to federal waiver down to 20 per cent).

What is most absurd about the maintenance of this patchwork balance of federal and state/local monies is the determined insistence of the Department that it be rigorously maintained and adhered to in the face of Administration efforts to pass revenue-sharing measures and state and local demands for fiscal relief. Indeed, the Administration's own education revenue-sharing bill would wipe out the match of general federal cash for all lunches across-the-board. While these various requirements remain, however, they do provide the Department with an excuse for allowing school districts who pay at least some of their own way to run their programs with minimal federal scrutiny.

THE LEVEL AND QUALITY OF FEDERAL MONITORING

In our recommendations in 1968 we called for "private organizations [to] . . . continuously monitor and evaluate governmental programs" to feed the poor. We thought that this monitoring role had to be vested in private hands because we were disheartened at the complete lack of federal monitoring mechanisms for ascertaining whether each program was functioning to achieve its express purposes. We set forth our conclusion that accountability had bogged down at all governmental levels and pointed out that:

> In operation, each federal program has become the exclusive province of state or local governments. They have been given the power to abstain, the power to further constrict the class of eligible persons, and the power either by law or practice to decrease the level of benefits available to those who are eligible.

We still subscribe to that description of program reality, although the problem of manipulated eligibility has been mitigated somewhat by Congressional action. As we have already noted, the authority to make the critical decision of whether or not to have a program has been abdicated by the Department in favor of state and local governments. The Department retains the power to establish eligibility, but, for the most part, only uses it to obviate state or local action that might expand the program rolls beyond the confines of the budget. Finally, control of the benefits which are in fact delivered and which are not, resides wholly within the unfettered discretion of local administrators.

Selective Monitoring

USDA's basic concern in program monitoring is to assure that federal money is not being squandered or spent contrary to regulations and instructions. The Department is not primarily interested in making certain that federal money is being spent positively to achieve, as effectively as possible, the goal of eliminating hunger. The Department does have an elaborate monitoring mechanism—the Office of Inspector-General (OIG) in coordination with the Office of General Counsel and the Department of Justice—to detect and track down violators who divert program benefits to illegal ends. But monitoring of recipient complaints is handled by regional office personnel already overburdened with the paperwork of maintaining program flow.

A brief survey of the "monitoring" aimed at the various programs is illustrative. In 1971, $4.1 million of the appropriations for food stamps was channeled not into bonuses for the poor, but into 113 man-years of OIG investigators and clerical staff engaged in reviewing food stamp thefts from local issuing offices ($170,000, down from $872,000 the year before), trafficking in stamps (food stamp gangs unlawfully using authorization to purchase cards), sales of items not eligible for purchase with stamps such as soap (leading to the fining of retailers and suspension of stores from program participation), and counterfeiting of the coupons themselves (the Secret Service recovered $90,000 worth of counterfeit coupons in six cities).

Some issues are untouched: the failure to process food stamp applications swiftly (there was a three to five month delay in 1970-71, when New York City first opened its stamp program, between initial appearance and a full eligibility intake interview); and the failure to mail authorization-to-purchase-cards on time so that the recipients will have enough cash on hand to buy stamps. Nor is any federal official specifically responsible for exploring why working people should often have to spend an entire day every three months awaiting certification or why elderly persons have had to line up outside food stamp offices at 5 a.m. to be sure of being waited upon.

In 1971, OIG inspectors were given ten civil rights complaints related to food programs to investigate. No prosecutions ensued. But there were 158 prosecutions of food stores that violated program rules by giving recipients goods to which they were not entitled. Of the 1,070 food stamp complaints referred to OIG in 1970, over 85 per cent involved illegal use of stamps.

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*See Appendix 4.

In the spring of 1970 the California Rural Legal Assistance sought to secure free food stamps and other special disaster food assistance for farm laborers in Northern California counties who had been put out of work due to heavy crop damage resulting from abnormal rain and flooding. The workers lost when the court found a conflict as to whether their inability to purchase adequate amounts of nutritious food was due to general economic conditions or specifically to the flooding. The conflict was produced by 14 county welfare directors who filed affidavits contending that the floods had not produced hunger or malnutrition. Those affidavits were prepared and collected by 14 OIG investigators who had been dispatched to round up evidence supporting the Department's denial of food aid.

The Department is equally concerned with unwarranted county efforts to distribute commodities. Each year the Food Distribution Division of the Food and Nutrition Service makes some 60 administrative analyses of distributing agencies' activities. The regional offices administratively review about half of the recipient agencies every year with teams composed of one regional staff member and a reviewer from the applicable state agency. OIG also conducts 200 audits annually of commodity programs in 20 states.

Such monitoring, however, rarely produces knowledge helpful in expanding distribution. When Senator Charles Percy, Republican of Illinois, asked the Department in the fall of 1971 how many counties serve recipients from centers which are in excess of 50 miles from the homes of recipients, the answer was "we do not have this information." Nor did the Department have specific data about the number of counties offering truck delivery to the vicinity of recipients or personal delivery at no charge to the crippled and housebound. To ask the Department for information about the actual distribution rates county by county is to wait a long time for no answer. To inquire about the critical matter of the time periods during which there is public notification that commodities are available is to receive the standard contentless response—"counties are encouraged to make distribution facilities accessible to all potential recipients."

The hard truth seems to be that satisfactory data about the obstacles to effective food delivery will never be forthcoming from the Department. It is content to provide so-called "standards of excellence" to state agencies as goals for food distribution programs using Department-supplied operating expense funds, but it makes no effort to compare the programs with the standards to see how well they match. The mixed reality of some success and much failure is not brought out unless private citizen groups are on the lookout. The Department is quick to act defensively to private criticism with the implication that citizen groups are not well-enough versed in program operations to understand. The lack of understanding, if such there be, is directly attributable to USDA's failure to explore and divulge the shortcomings of its own programs.

School Lunch Auditing

School lunch monitoring appears to be a little different. Forty man-years was expended by OIG in 1971 in auditing approximately 270 of 20,000 school districts annually or 1 per cent of the program. The audits are more concerned with the adequacy of service than the comparable audits of the family food programs. The objectives as summarized by OIG, include determinations that free and reduced price lunches were being served to all needy children (the audits did disclose that in some districts, through official apathy or misunderstanding of unclear federal guidelines, 27 per cent to 90 per cent of eligible children were not receiving their entitlement), whether there were procedures adequate to protect the anonymity of recipients (there were insufficient safeguards), whether controls over the receipt and disbursement of funds were used only to provide lunches to the needy (many non-needy children were included and many meal counts were erroneous leading to overcharges).

These audits did lead to action by the Department to redress the situation, but the 1 per cent outreach means that most program rule violators still go unchecked unless parents make complaints. Even when they do complain OIG, as a matter of policy, is not brought in unless, according to Assistant Secretary Lyng, "it's a question of gross violation of law or gross discrimination." Most complaints are termed "administrative" and routed back to the regional offices and thence back to the states and the school officials against whom complaints were lodged. It is only the persistence of citizen groups such as the Childrens Foundation that compels the Department finally to confront and remedy complaints.

Research

The food program research efforts of the Department underscore its lack of interest in finding out whom the programs are reaching and whom they bypass. The Department has no accurate figures on the percentage of eligible persons who receive food stamps or commodities, on the gross numbers of the elderly poor who are not helped, or on the racial composition of participants. With no idea of whom they are not feeding, the Department has no useful feedback enabling it to devise appropriate program changes to guarantee that as many as possible will be fed. After four years of virtual inactivity in investigating how best to serve the poor (other than to study some aspects of school food service), the Department finally agreed in August, 1972, to spend a total of $220,000 to study food program effectiveness in selected counties in California and Alabama in order to determine why families do not participate and what the actual nutritional impact of the programs is. The results may be ready by 1974. One thing they will not disclose is whether the poor, if given cash instead of stamps or commodities, might do as well, better, or worse in improving their nutritional status.

Summary

1. The reluctance of USDA to superimpose its authority over recalcitrant state and local governments in the administration of food programs has frequently impaired program success.

2. Municipal governments within food stamp counties are permitted by local option to refuse the stamp program in favor of commodity distribution.

3. Many local governments, however, that have repeatedly attempted to initiate food stamp programs have not been permitted to do so. USDA reviews state supplied lists of waiting counties and makes its own decision as to whom to admit.

4. Food stamp eligibility has been arbitrarily denied to Puerto Rico, Guam and the Virgin Islands.

5. As of February, 1972, there were ten counties in the United States without any family food assistance program. This was a dramatic change from the figure of 480 in 1968. But the truth is that a national legal drive was necessary to bring about the action, with 26 lawsuits from 26 states seeking injunctions against those states and USDA beginning in November, 1968. USDA fought the suits and successfully resisted for six months an injunction granted in December, 1968, restraining it from refusing to put one of the two food programs in every California county. Similar resistance occurred affecting 88 Texas counties in 1969 and 1970.

6. Despite Congressional action calling for all states to develop plans extending school lunches to every school, USDA has offered no criticism of states that have not complied and has undertaken no meaningful efforts to require schools without kitchens to obtain food service equipment.

7. When it comes to eligibility standards governing federal food assistance, USDA has been inconsistent in its deference to local determinations. When the cost of the aid would be greater if local eligibility guidelines were followed, USDA has superimposed its own guidelines. When the cost of aid is more restrictive, hence cheaper, than federal standards, local standards have been allowed to stand.

8. Although uniform eligibility standards of $373 in monthly income and $1500 in resources have been established nationwide for food stamp recipients, states are still permitted to set their own income standards for commodity users. This is in spite of requests by state commodity directors for a nationwide eligibility standard.

9. State and local funds amount to less than ten per cent of overall program resources in connection with food stamps, 15 per cent in connection with commodity distribution and 20 per cent in the provision of school lunches. But USDA uses these figures as justification for little intervention in local and state decision making.

10. USDA's primary goal in program monitoring is to assure that federal money is not being squandered or illegally spent. It has little effective machinery to see to it that federal money is being used to eliminate hunger or to determine if the rights of food recipients are being violated.

11. USDA has not been interested in supporting research to determine whether and how its food programs succeed or fail in delivering a nutritious diet to all the poor.

V.

Local Program Defects and National Neglect

The consequences of the laissez-faire policies adopted by the Department of Agriculture in overseeing the implementation of federal food programs are readily foreseeable. We specified them four years ago. We repeat them now.

The hungry poor remain a Federal problem if you are a county commissioner or welfare official and a state or local problem if you are the Department of Agriculture. Local failures to deliver are supported by federal failures to intervene. No jurisdiction is willing to accept the full responsibility for seeing that the benefits Congress intended to bestow upon the hungry poor ever reach them.

Food Stamps—Certification

In 1968 we deplored rigid certification procedures administered by local officials which prevented many eligible persons from receiving food stamps. In particular, we condemned inadequate office hours at inconvenient offices, complex certification requirements, and the forced dependency of employees upon their employers' cooperation in supplying vital information to the certifying authorities.

Today we can repeat the same litany, noting that the Department appears, if anything, to have exacerbated these defects in the system, making certification more onerous than ever. The Department still exerts no supervision over the number of offices a particular county operates or the hours those offices are open to the public. That is left entirely to the local welfare budget, which is the easiest available target for economizers. In fact, the 1970 food stamp law may prove retrogressive in this connection because it presents local certification officers with the prospect of a substantial increase in caseload (a projected, but not likely, 1.7 million person increase flowing from the increased income eligibility levels and decreased purchase requirements) coupled with an equally substantial increase in the information required of each applicant (data on tax dependency, home meal delivery to the disabled, boarders and roomers and other unrelated persons living in the household as well as complete work registration forms are required for the first time). The 62.5 per cent federal share of certification costs for non-public assistance applicants is not, however, increased.

The applicants, most of whom have to return every three months to be certified once again, frequently find the application offices physically inadequate to accommodate the work load. In San Antonio, Texas, the offices were described by a witness before the Board of Inquiry as "a cattle-like corral" adjoining a glue factory.

Many applicants still have to spend an entire day or more waiting to be processed at an office in South Carolina or the District of Columbia. The breakdown that occurred in New York City in the fall of 1970 and spring of 1971 when applicants had to line up at food stamp offices in order to receive a date for an intake interview over three months away is likely to recur with greater frequency throughout the United States as the number of program eligibles rises. The lines of elderly waiting in freezing weather at 5:30 a.m. in the District of Columbia, to be sure to be processed in one day are lengthening, not growing shorter. In January, 1970, two small children perished in a fire in their home in the District while their mother was out waiting to see her food stamp case worker. Those who cannot afford to pay for transportation across town or across the county or for a baby-sitter to take care of small children and those who cannot take a day off from work (and have no night or Saturday office hours to utilize) are shut off from stamps regardless of need. They form a significant part of the 11.2 million unserved poor.

The certification forms today are, if anything, more complex than they were in 1968. The Department's certification instructions to state welfare agencies contain a sample application form that lists 21 question areas, most with several sub-sections. In Arkansas the application runs to five pages. Multi-hour interviews are common elsewhere. Bewilderment and reluctance to participate are the direct products. Anyone who is willing to certify to the truth of detailed list of names, addresses, dollar amounts, and other items cannot afford a lapse in memory.

Finally, the life-and-death stranglehold of the employer over his employee's right to stamps has been strengthened. Before it was up to each state to set verification policies. Now USDA has imposed a nationwide requirement that income be verified by the production of wage stubs or other confirmatory documents. This means that farmworkers still have to rely on the statement of crew leaders or growers who often have an inducement to overstate wages. Otherwise they could well signal their non-compliance with minimum wage laws. Thus plantation laborers are still almost totally dependent upon the landowners for their benefits.

Food Stamps—Purchase

In 1968, we deplored the fact that the same delays and inconvenience that attended the certification process were repeated at the time of purchase. In 1968, the situation was better than it is now. In 1968, most participants were certified, received their authorization-to-purchase-card, and were sold stamps at the same place on the same day (or else got their card and exchanged it for stamps simultaneously). Today the usual procedure is that the authorization-to-purchase-card arrives in the mail several days after certification and the recipient has to make a second trip to a food stamp outlet (often a bank or credit union rather than the welfare office—or, in Seattle, the post offices) in order to buy stamps.

The reason for this two-step arrangement apparently is to guard against cheating. In January, 1971, it was disclosed that hundreds of recipients in the District of Columbia each month (738 in June, 1970) were receiving and negotiating two authorization cards and thereby obtaining double bonuses. To forestall the possibility that the same person could be certified on the same day in two separate intake offices, the Department ordered the District to deliver authorization cards by mail rather than over-the-counter upon certification in order to permit a computer check that would avoid duplication. To get a handful of cheaters, the entire program serving 110,000 people was brought to a three-day standstill while the authorization cards came through the mails, forcing the District Welfare department to make emergency cash grants worth $33,000 to families who needed money to buy food in the interim. Because of administrative problems, cash was used to replace stamps, if only on an interim basis.

Even if the authorization cards are delivered manually at the welfare office, more and more welfare offices are going out of the food stamp sale business in favor of banks. In early 1971, 36 per cent of the outlets were in welfare agencies, who were afraid of theft and unused to dealing with the security precautions required by the Department when selling stamps.

The banks may or may not be more accessible to the poor than welfare offices. The rural poor have great difficulty in finding conveniently located banks, and banks in urban ghettos may not deal in stamps. For example, when one bank in Northwest Washington, D. C. decided to stop selling stamps, elderly blacks in a nearby housing project had to take a bus four miles to the next closest bank willing to participate. In 20 Massachusetts suburban communities no banks traffic in stamps and substantial travel to secure the stamps elsewhere is necessary.

The banks charge 80 cents to $1.25 a transaction. How profitable this may be, we don't know. Many banks prefer not to let stamp buyers mingle with their regular customers. Accordingly, they limit the pool of stamp buyers they will serve. Many restrict the size of the food stamp issuance line at any one time or force stamp buyers to use specific windows or special out-buildings. At one point, until the community vigorously protested, the National Bank of Washington (owned by the United Mine Workers) required stamp buyers to stay outside and use the drive-in window during the winter. USDA, of course, permits local officials to handle these matters.

In 1968, we were critical of the low state eligibility standards. They remain basically unchanged and unpoliced. The Department, as we have seen, refuses to promulgate uniform nationwide guidelines because of its fear of increased expenditures to feed more needy people. The Department's disinclination to expand the pool of eligibles has been matched by the action of the states, which manipulate their published standards to achieve other goals, usually without any effort by the Department to compel them to adhere to their own rules. For example, in July, 1971, Arizona determined on its own to eliminate "hippie communes" from the commodity program by denying commodities to any household containing two or more unrelated members although this was not in keeping with the state's own welfare standards. USDA finally realized that this was occurring in February, 1972, but the Department's only affirmative action was to return without approval a formal request by Arizona to approve the new policy, which had already been in effect for eight months. The policy and USDA inaction against it persist.

What the state standards allow, local officials may deny, again with impunity. The county welfare director in Waco, Texas, would not talk about certification to pregnant women on Mondays or give commodities to an AFDC mother, despite Texas law to the contrary. Perhaps the most flagrant example of local perversion of the program was contained in a letter written by J. Newt Harber, Commissioner of Seminole County, Oklahoma, to his constituents:

> Dear Voters:
>
> Your commodity program is a service to you by your County Commissioner. Although they are furnished by the Federal Government. NO COMMISSIONER IS REQUIRED TO HANDLE THEM IF HE DOES NOT WANT TO DO SO, and in some counties the Commissioner will not distribute them.
>
> TO BE SURE that you continue to receive your commodities as you have in the past, GO TO THE POLLS ON TUESDAY, AUGUST 25th, AND VOTE FOR J. NEWT HARBER FOR COUNTY COMMISSIONER OF DISTRICT No. 2.

Commodity Distribution—Distribution

In 1968, we noted that "some people are discouraged from participating because the distribution depots where they must go to obtain commodities are too far away." USDA does attempt to spend nearly $20 million annually improving local distribution systems, but simply does not monitor the uses to which that money is put. Nor is the Department really concerned about convenience of time and location. It claims that "counties are encouraged to make distribution facilities accessible to all potential recipients," but then permits the warehouse in Barstow, California, to serve all of the poor in a 100-mile radius.

It makes no effort to gather any information on how many counties serve recipients from centers which are in excess of 50-miles from some recipients' homes. It collects no material at all about truck deliveries or other means of facilitating distribution.

The hours and days of distribution are also totally up to local authorities. Towns in Maine can limit those whose last names start with A to E to picking up their foodstuffs from 9 a.m. to 10:30 a.m. on the second Monday of the month. A North Carolina county can, with impunity, turn away a 70-year-old illiterate woman who came a day late.

Distance problems are, of course, compounded by the difficulty of transporting the food back home. In 1968, the allotment for a family of four weighed 93 pounds. Now it is closer to 150 pounds. It may cost recipients more in time and money to get their free commodities than to use their non-free food stamps.

Commodity Distribution—Storage

In 1968, we found that the counties themselves did not distribute a sufficient quantity of surplus foods even though the items were available from the Department. Since then, the local control over what items to distribute has been cemented, with accent on the expense of warehousing. The Department has sought to relieve this expense with local grants, but has never attempted, as it could, to establish a nationwide policy of uniform distribution of food allotments. Instead, it is willing to repeat and repeat that "states and counties decide which USDA donated foods will be offered to program participants." So it happens in Ventura, California that the "storekeeper" can deny recipients their choice of juices or vegetables when the choice is in stock and withhold meat allotments.

Nor does the Department have a significant program of warehouse inspection to guarantee minimal standards of sanitation and refrigeration. Instead, food hazards go unchecked, old food is purveyed (four year old split peas in Clark County, Nevada), food is allowed to sit in 90 degree or 100 degree heat waiting for a recipient (cheese, in Farmington, New Mexico and Tuba City, Arizona), food packages deteriorate (corroded orange juice cans, broken bottles of corn syrup, ripped bags of corn meal) in numerous places, sometimes damaged products re-sold to dealers.

Commodity Distribution—Service

In 1968, we strongly urged USDA to work administratively to improve the rate of participation in the program through various measures. The answer to our request is contained in USDA's admission that it has no "figures county by county on the total number of persons potentially eligible for this program." On the other hand, it recently supplied to Congress, from somewhere, the following quantitative data on the degree of participation:

COUNTY	Estimated needy Population[1]	Participation in Food Distribution Program[2]	Percent of estimated needy being served by Food Distribution Program
(HIGH)			
Aroostook, Maine	16,488	16,862	102
Noxubee, Miss.	6,912	7,325	106
Leake, Miss.	7,928	6,620	84
Macon, Ga.	4,559	3,975	87
Issaquena, Miss.	1,400	1,084	77
(LOW)			
Ormsby, Nev.	2,767	119	4
Fond Du Lac, Wisc.	14,463	1,188	8
Henderson, Tex.	8,721	990	11
Chatt'h'hee, Ga.	2,489	553	22
Elko, Nev.	3,238	446	14

[1] Sales Management, 1971 Survey of Buying Power, Estimated County Population with income $0-2999.

[2] September 1971 Participation in the Food Distribution Program.

USDA obtains facts and figures when it is under the Congressional gun. It makes no attempt to do so in order to evaluate and compare county performance in reaching the poor. The Department claims that "we believe that it is desirable to have the state and local governments play a major role in solving the problem of needy people," but it evidences scant concern for whether they are in fact playing any role at all. Once responsibility is transferred, the Department attempts to make no guarantee that performance will result.

School Lunch—Full Participation

In 1968, we did not deal extensively with the nature and dimensions of the failure of the school lunch program because another citizens' group composed of five national women's organizations was preparing its own study. That study, *Their Daily Bread*, had its political repercussions and led to some significant Congressional-directed changes in the program's purposes, making service of a free or reduced price meal to every needy child the primary objective. The Department's refusal to cross state lines and energetically enforce program standards has undermined achievement of that objective in the same manner that Department refusal to encroach upon assumed state and local prerogatives not to feed the hungry has prevented elimination of hunger through the family food assistance programs.

In 1968, we lamented the failure to provide school lunch to two-thirds of the poverty-striken public school children. Today we deplore the continued failure finally to close the lunch gap and reach the remaining 10 per cent to 20 per cent who should be fed on a daily basis (putting to one side the issue of whether the same 10 million children are also entitled to breakfast should they desire it). The chief cause of that failure has been USDA's refusal to implement Congress' mandate that every state extend the lunch program to every school within the state as soon as possible. That refusal has, we have demonstrated, been motivated in part by budgetary concerns, in part by jurisdictional proprieties.

Whatever its basis, the results of the laissez-faire approach are clear: 18,000 schools without facilities, all, as the Department passively puts it, "well aware of the program, and for their own reasons choose not to [come into it]." To these 18,000 should be added an unknown number of schools that have equipment and/or facilities but which are not prepared to meet the full demand, because the equipment and/or facilities are deteriorating, incomplete, or otherwise inadequate. For these schools, the Department offers no financial assistance at all on the premise that the 18,000 are priority schools whether they participate or not.

So it is that an intentionally undernourished nonfood assistance budget and a reluctance to pressure the states to force schools to participate leave Boston and Philadelphia with a large number of inner-city children who have no place to go for lunch and nationally deprive nearly 900,000 poor pupils of the right to eat at noon.

School Lunch—Certification

In 1968, we described the lack of uniform standards for determining when a child should be fed free or at a reduced price. The standards now have been supplied: a uniform national floor consisting of the poverty level, with higher floors and ceilings at the option of the states. But minimal uniformity has not simplified certification. The determination of inability to pay, which should have been governed by a one-page or less affidavit form supplied by the Department, has mushroomed into a tangle of 13 separate income blocks in Iowa; requires costly notarization in Texas; probes into parental employment status in California; demands proof of special needs in Mobile, Alabama; requires lists of places where the family spends its money in Minatare, Nebraska; and put into general use a three-factored income scale (relating income level, family size, and number of children in school) calculated to confuse even the veteran tax-table decipherer. What was once supposed to be automatic feeding upon receipt of the filled-in form turns into a ten day delay to verify information.

School Lunch—Discrimination

The law forbids schools from singling out free lunch recipients and making their non-paying presence known. But abuses occur, nonetheless. West Junior High in Ponca City, Oklahoma, set a specially designated table for free lunch students; Pawnee, Oklahoma schools called out the chosen names over the intercom; San Antonio schools reserved "blue tickets" for the poor students; some Iowa schools gave free lunch recipients lunch cards embossed with identifiable black stars; schools in some Kentucky districts forced needy children to stand up and be counted. The law also prohibits schools from providing less for free lunch recipients than for those who pay. But who told South Dakota schools that they could not deny poor Indians seconds, while giving them to everyone else; or Canton, Oklahoma, schools that Indian students could not be limited to the bony parts (neck, back, wings) of chicken; or Manson, Maine, schools that they could not install a parallel private soup program for 10 cents; or Mobile, Alabama, schools that they could not offer better, so-called "teachers' lunches" to the well-to-do, while serving "type A" lunches to the poor; or Boston schools that they could not exclude dessert from lunch and charge extra for it?

The law forbids schools from using the threat of withdrawal of free lunch as a disciplinary measure. But the Department allowed schools in Oklahoma to threaten the withholding of meals if poor Indian children were five or ten minutes tardy (the District of Columbia did this with breakfast); Cherokee, Oklahoma, schools to deny grades until lunch bills were paid; Springfield, Massachusetts, principals to discipline pupils by excluding them from lunch. A Nebraska school superintendent even wrote to a Mexican-American father offering to give his two children free lunches if and only if the father would agree to sell the schools particular lots of land for a stated price.

All of these may be isolated incidents of violation, but the pattern of their occurrence and of the Department's reluctance to police its own turf is revealingly repetitive.

Inadequacies of the Appeals Process

Food stamp recipients have been granted no formal outlet for making known their demands for non-statutory program changes to federal, state or local officials. They are guaranteed the right to a fair hearing when their benefits are about to be terminated or reduced or when they are otherwise aggrieved by the action of the state and local officials.

That hearing applies only to their case and does not necessarily generate rights for their fellow recipients. The hearing examiner, in any event, is still going to be a state or local official, even though not one previously involved in the case.

The same hearing process holds for commodity distribution, although it was provided by judicial decision, not Department of Agriculture regulations, until March, 1970, when the Secretary, faced with a lawsuit, agreed to abide by a 1969 Supreme Court decision and require states to hold fair hearings. Fair hearing boards, of course, are composed, for the most part, of local officials, and efforts to broaden the composition of such boards have not met with much success. In New Hampshire the state legal anti-poverty agency sought unsuccessfully to have each panel composed of a representative of the county, the local community action group and a surplus food recipient. The state commodity distributors denied the proposal and left the county commissioners free to appoint fair hearing boards of their own choice.

The parents of school children have no right to participate in state and local decisions about income eligibility levels or any other major program issues. They are entitled to be notified about the program's standards and procedures after the fact, either by mail or notices sent home with their children. They, too, have hearing rights if their children are denied lunch benefits.

The poor increasingly have had to turn to what ought to be the last—not the first—repository of their complaints—the courts. Thus the Department's Office of General Counsel has continually increased its budget for additional attorneys to handle the legal challenges. The resulting man-years spent in fighting the poor in the courts (16 man-years budgeted for 1972) are as great as those that are expended on monitoring state and county welfare agencies and local school boards to make sure they are delivering all the benefits to which the needy are entitled.

Summary

Food Stamps

1. Certification procedures are time-consuming and unduly complex. Detailed information required of applicants is bewildering. State incomes must be verified by employers, a situation which, particularly in the case of migrant farmworkers, puts the workers at the mercy of employers who have an inducement to overstate wages or otherwise signal their non-compliance with minimum wage laws.

2. Delays in purchases of food stamps are built into the certification process. Authorization cards are not given simultaneously with certification, thus requiring the recipient to make a second trip to the food stamp outlet in order to buy stamps.

3. With more and more banks handling food stamp sales and limiting the pool of stamp buyers they will serve, many recipients are forced to travel long distances to other outlets. Some banks restrict the size of food stamp issuance lines and assign food stamp buyers to special windows or make them stand in line outside. USDA exerts no control over local implementation.

Commodity Distribution

1. USDA has refused to promulgate uniform nationwide eligibility guidelines, thus allowing state governments to impose their own standards. State standards may also be denied by local officials with impunity.

2. The location of distribution centers remains a discouraging factor in commodity participation, and USDA makes no effort to gather information on how many counties serve recipients from centers which are in excess of 50 miles from recipient homes. Hours and days of distribution are left to local discretion.

3. Storage of commodities has not improved significantly in the past four years. USDA does not have a significant program of warehouse inspection to guarantee minimal standards of sanitation or refrigeration.

4. USDA makes little attempt to obtain facts and figures on persons potentially eligible to receive commodities for the purpose of evaluating county outreach performance.

School Lunch

1. USDA refusal to cross state lines and vigorously enforce program standards has frustrated achievement of the Congressional objective of bringing all needy children into the school lunch program.

2. The process of determining inability to pay for school lunches is unnecessarily complex and confusing to the parents of potential participants.

3. Despite legal prohibitions against discrimination in the serving of free lunches, abuses persist and USDA is apparently unwilling to intervene in local situations.

Appeals Process

The inadequacies of the local appeals process has meant that the poor increasingly have been forced to turn to the courts for redress of grievances.

VI.
In Conclusion

This has been our analysis of the past four years. The failures are numerous and the most obstructionist agency has been the Department of Agriculture. Less apparent, is that a great deal of credit must go to dedicated men and women in both houses of Congress and in both political parties who have struggled mightily to bring about the positive actions that have come.

America, thus, is not indifferent to its poor. There is no conspiracy to starve women and babies. But neither has ending hunger become so vital a matter as to put it above compromise on the basis of budgetary constraint, governmental jurisdictional boundaries, or political expediency. By playing politics as usual with the issue, men in authority have done their nation a tragic disservice.

A Potential Solution

What is to be done? Is the answer, as we believed in 1968, to improve existing food programs, especially food stamps? Is the solution, as we suggested then, to guarantee ready access to food to the needy everywhere in the nation? Are more and better food programs the best means to end hunger?

We believe from the vantage point of 1972, that the jigsaw puzzle pieces of food programs the federal government has carved out since 1935 (32 in the area of child nutrition, 5 for families) will never mesh to cover all of the hungry poor. The government began, we believe, by asking the wrong question: "How can we feed the poor?" The answer almost inevitably, was this plethora of programs of bureaucrats, by bureaucrats, for the assumed benefit of the poor.

> *"We" want to make sure that "they" eat correctly. So we send out $50 million worth of nutrition aides to instruct "them" in how to invest their 31 cents a meal.*
>
> *"We" want to be certain that "they" do not waste their food resources on bingo or alcohol or narcotics or anything else non-nutritious. So "we" exclude carbonated beverages from the food stamp eligible item list because participants "could go into grocery stores and be indistinguishable from other patrons of the stores. . ." So "we" refuse to permit "them" to get cash as change in food stamp transactions where less than 50 cents is at stake.*
>
> *"We" want to guarantee that impoverished mothers of infants under one give their children more milk and formula. So "we" give "them" food certificates for milk and formula "they" previously were buying, and the rest of the family spends the extended income on other needs.*
>
> *"We" don't want "them" to have to make any hard choices among food, rent, medical care, clothing or other needs. So "we" propose to tie up 30 to 50% of "their" purchasing power in the form of food stamps rather than give "them" the cash they might reallocate elsewhere.*

The results of such misguided paternalism are the stuff of this critique. They constitute the history of food relief for the past 37 years — a history of millions bypassed and still unserved and millions more receiving only partial aid under programs that can never fill the gap.

The question ought to have been — from the beginning — not how can "we" feed "them" but how can they feed themselves. We should always have focused not on creating an administrative jungle of mechanisms for delivering food to the poor, but on developing the simplest, most dignified method of enabling them to determine when and how to meet their own food needs. We should always have acted as our brother's helper, not his feeder. *An adequate income obtainable in a just, non-degrading manner has always been the solution.*

The social costs of our institutionalized distrust of the poor have been undeniably great, primarily in terms of the loss of human potential, undermined by and forever lost to malnutrition, and secondarily in terms of operating expenses wasted in support of the battalion of caretakers. It is not difficult to document these costs.

Non-Participation—Cost Barriers

The stark facts of non-participation are self-evident. Under current income eligibility guidelines, approximately 30 million Americans qualify for food stamps (26 million poor and nearly four million just above the poverty line of $4,110, but under $4,476 in annual income for a family of four). Perhaps 24 million of these people live in areas that furnish food stamps. Only 11.8 million receive the stamps. What happens to the other 12.2 million? They are either program push-outs or program dropouts.

The former predominate. Slightly more than seven million of the 14.5 million people on public assistance received stamps in December, 1971. All were eligible. The nonparticipants are among those who choose not to participate in a program that inexorably demands they invest a specific amount of their monthly income in food one or two times a month. For instance, a family of four earning $200 a month has to come up with $26.50 every two weeks or $53 on or about the first of each month. A family of six with $350 from work or welfare has to pay out $48.50 semi-monthly or $97 monthly.

The poor are unable effectively to control their meager cash flow to meet the program's inflexible demands. They may get paid on the first, but be out of sufficient money to pay for the second installment of stamps on the 15th because of intervening needs. They may have the full sum available by the 20th, but that is too late. *The food stamp program was not and cannot be tailored to match the flow of their income and expenditures.*

The new regulations now in effect nationwide try to ease the iron rigidity of the purchase requirement by permitting any household to elect to purchase as little as one-quarter of its allotment at issuance time. But the household cannot recoup that portion of its stamp allotment it is unable to pay for, which means that it will be only a one-fourth or one-half program participant. Nor are there any indications yet of widespread reliance upon partial purchase as a means of escape from the harsh cost bind.

On the other hand, if the poor were to be given cash, they could buy food when they wanted to so long as the cash held out. If they chose to allocate some of their limited funds to finance medical care instead of food in any given month they would not be denied the rest of their food-related cash grant. That is not the case with stamps. For example, if the family of four earning $200 a month could only afford one-fourth of its food stamp allotment one month in cash ($13.25 for $27 worth of stamps instead of $52 for $108), the boost in its food purchasing power for that month would amount to only $13.75 ($27—$13.25). Were food stamps to be eliminated and the monthly bonus translated into an extra cash grant of $54, the family could deploy that $54 as it chose. Indeed, it might apply $30 to doctors' bills and still have $10.25 more food purchasing power than the food stamp users ($54—$30 vs. $13.75).

The Administration revised its welfare reform program in the spring of 1971 to meet suggestions by the House Ways and Means Committee that food stamps be converted to cash, thereby raising the cash floor for families of four without outside income from $1,600 to $2,400 in states such as Mississippi, Arkansas, Alabama, Louisiana, and South Carolina. Prior to that, the welfare proposal of $1,600 coupled with the food stamp allotment attendant upon such income ($34 cash for $108 in stamps) would have forced stamp users into the following pattern:

	Month	Year
1) a) Cash (welfare)	$133.33	$1,600
b) Less cash spent for food stamps	—34.00	—408
c) Total cash available	99.33	1,192
2) Value of food stamps	108.00	1,296
3) Total purchashing power (1c + 2)	207.33	2,488
4) % total purchasing power tied up in food	52%	

It was only the cashing-in of stamps that saved the $1,600 poor from having to devote 52 per cent of their purchasing power to food or be penalized by receiving no food aid whatsoever. For families at the $3,000 income level, the percentage of purchasing power in food stamps would be 38 per cent, absent any merger of stamps and welfare. As Florida Representative Sam Gibbons argued:

> What family in America, poor or otherwise, wants to be compelled to receive over half its total purchasing power in the form of scrip which can only be used for one of its needs—food—and this on penalty of receiving no family food assistance at all unless it submits to this compulsory budgeting?
>
> What family wants even more than one-third of its purchasing power tied up in food, untouchable in emergency? The average American family spends only 16.5 per cent* of its disposable income in food. Granted, the average family's income is higher than that of the typical poor family, but must the poor be locked into a forcible formula which makes them spend three times the average for food alone?

Recently, Senator McGovern called for an income guarantee to the non-working poor of $3,400 in cash and $600 worth of food stamps. To the extent that this focuses on the possibility that, under the complex pattern for determining welfare grant levels in the Administration's welfare proposal (some households might not get the full value of the food stamps bonuses they now receive translated into cash), such an approach makes sense. No one should be hurt by welfare "reform." To the extent that this expresses his estimate that Congress would give $3,400 with food stamps on top more readily than $4,000 in cash, it may be good strategy. To the extent that this is a determination that $3,400 in cash plus $600 in food stamps is better than $4,000 in cash, the plan ignores the interests of the poor.

Non-Participation—Non-Cost Obstacles

We have previously detailed many non-cost barriers to participation in the food stamp program, barriers involving certification and issuance, discriminatory treatment at issuing banks, delays in mailing, inconvenient locations of issuing offices. These difficulties and the problem of securing the right amount of cash at the right time are compounded by the problems associated with using the stamps at grocery stores. Some stores, in urban and rural areas alike, simply refuse to accept food stamps, no matter how

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**In 1972 that figure is 15.6 per cent including 2.8 per cent for food away from home.*

instantly redeemable at the applicable bank and Federal Reserve they may be. Not only do recipients have to bypass nearby or preferred stores to travel to find an accepting store (nearly 150,000 retail grocers do accept stamps), but they are singled out for discriminatory treatment in the stamp stores' check-out lines.

Food stamp users are just like regular patrons except that regular patrons do not have to separate their purchases into two separate piles—one containing most foodstuffs which may be paid for with food stamps, the other composed of non-food stamp items such as napkins or soap, or clearly-labelled imported food items, including lean Argentinian hamburger. (The limitation on the use of imported meat means that the poor are the only American consumers not to benefit from recent relaxations of quotas on inexpensive imported meat.) Indeed, there may even be a third pile for returnable bottles whose contents are stampable, but whose form is not so when a bottle deposit must be paid. Stamps were declared out-of-bounds for container deposits following a December, 1971, Department of Agriculture ruling effective March, 1972.

Regulations governing the use of stamps at "take out" eating establishments make less sense. For example, food stamp recipients may not use their stamps to buy carry-out orders of fried chicken, but they may use them to buy ice cream.

Suppose the food stamp customer has to offer $2.50 worth of stamps in payment for $2.45 worth of approvable groceries. Does the clerk accept the stamps and give the user a nickel in return? Not if the store wants to keep its certified status. The store must as of March 1, 1972, as was the case before 1971, give the customer a token or credit slip redeemable only in eligible food and only at that store (or its chain counterparts). The House Agricultural Appropriations Subcommittee apparently became upset in the summer of 1971 when it discovered that stamps were being exchanged for cash in change transactions and persuaded the Senate to join in urging that the "threatening" practice be stopped.

The Degradation of the Poor

With distrust in the ability of the poor to take care of themselves as its hallmark, the stamp program carefully and prominently labels each and every recipient a potential wastrel. Stigma automatically accompanies every stamp-bought bag of groceries. There is no way to avoid being advertised to the store-going public as "poor", no way to hide the fact that a stamp user's freedom of choice differs from the same freedom exercised by the 200 million other Americans who buy their food with cash.

The food stamp poor do not suffer their indignities gladly. Their complaints point to a precise remedy, the substitution of cash for stamps. At a nationwide meeting of 17 local and national organizations committed to improving the food stamp program in February, 1972, the groups proceeded to criticize the program as intolerably degrading, to demand that the purchase of non-food items be authorized, to call for permission to receive cash for change less than 50 cents, to recommend that restaurant meals be purchaseable with stamps by the elderly and disabled. All of these reforms are disguised demands for stamps to be replaced by cash.

Most spokesmen and advocates for the poor support switching cash for stamps. Dr. George Wiley, Executive Director of the National Welfare Rights Organization, has said that:

> Stamps are demeaning. It's a way of singling out poor people. It's saying you can't trust poor people.

President Johnson's Commission on Income Maintenance agreed. So does the Nixon Administration which supports cash rather than stamp aid because it "provides the maximum flexibility and personal responsibility for the individual."

The users of stamps daily express their interest in abolishing stamps in favor of cash by acting to violate the regulations governing their use. Stamps are highly negotiable. Many persons sell them at face value or at a discount to friends, strangers, or local grocery stores. Every week since the beginning of 1971 the Department has issued news releases announcing that, on the average, three to five stores have been suspended from participating in the program for as much as a year for permitting ad hoc cash-ins or allowing food stamps to be exchanged for cigarettes, toilet paper, soap, or other non-food items carried in grocery outlets. The Department maintains a large squad of compliance officers who receive reports of suspicious activity and conduct visits to the store both educational (to remind them of the rules of the program) and compliance-oriented (to investigate and warn).

The Administrative Burden

The food store compliance effort is by no means the only aspect of administering the food stamp program that consumes departmental resources that might be better spent in the form of cash grants to individuals. There is no clear price tag on the policing effort, but the best estimates put it in excess of $5 million annually.

What about other forms of program fraud, such as counterfeiting of stamps? The Department has persuaded the Bureau of Engraving and Printing to place the same detailed etching of Lincoln on the $5 food coupon that is on the $5 bill to deter counterfeiters. But theft still accounts for nearly half a million in stamp losses a year (the favorite area for thieves used to be West Virginia until standards were tightened) and negligent losses cost the Department $230,000 in Illinois alone in 1971.

Another of the Department's major program-related expenditures is for the printing of the coupons. To produce enough of this second form of money to yield a monthly average of $276 million in coupons the Treasury has to allocate four of its thirty printing presses for 24 hours a day at an annual cost to Agriculture of $15 million.

The Department's food stamp headaches are regulatory as well as fiscal. It has to wrestle with the fact that it has been responsible for creating three forms of scrip for food: the stamps, food credit slips (as change for 50 cent food stamps), and food certificates (25 cent pieces of paper good only for milk, formula, or instant baby cereal). A fourth form of scrip is an invention of the Office of Economic

Opportunity's dying Emergency Food Program: food vouchers to enable recipients to buy food stamps or groceries directly. It is possible in some localities for all four varieties of food "money" to be in use at the same time. The result is a regulation such as the following dealing with use of food certificates when purchase costs do not meet the exact cash equivalent of the certificate:

> 7 C.F.R. Section 265.8(g) Change shall not be given for certificates. Authorized retail food or drug stores may accept certificates only in an amount equal to or less than the total amount due for eligible food. When the amount of the certificates tendered is less than the total amount due for eligible food, the recipient shall pay the difference in cash or may use Food Stamp Program Food coupons if the recipient (other than a proxy) is participating in the Food Stamp Program and the store is authorized to accept food coupons.

The Department's administrative problems in controlling the proper flow of "non-cash" are compounded by those of the state and local food stamp officials. New Mexico is faced with an increase in state-wide administrative costs of from $1.3 to $3.4 million and the legislature won't appropriate the money to hire the people to implement the program. Louisiana claims it cannot afford to pay for any fair hearing officers for most of 1972. Every state has a tale of fiscal woes flowing from dispensing food stamps.

None of the states are anxious to engage in much outreach work because they are federally reimbursed for only 62.5 per cent of the cost of personnel involved in outreach: moreover, outreach expands the rolls, which has the additional impact of requiring more stamp certification workers (again 62.5 per cent at federal expense) and more funds for stamp issuance for which the federal government pays nothing at all. It is this latter sum particularly, which averages between 75 cents and $1.00 a transaction (generally paid to banks), with each household entitled to a minimum of two transactions a month or 24 a year, that bites deeply into local budgets. Issuance alone accounts for approximately $100 million a year or slightly under five per cent of bonus costs. When certification, outreach, and fair hearing expenses are added on, it is understandable why the State Commissioner of Public Welfare in Massachusetts should have concluded in February, 1972, that it was the better course to expand and improve the commodity distribution program and not food stamps since:

> In terms of cost to the users of the program, and the whole range of advantages versus disadvantages, I believe the commodity program provides greater benefits to the poor. The commodity program is far less costly and cumbersome to administer than the stamp program. . . The commodity program also provides jobs for Massachusetts citizens. . . The economic benefits of the Food Stamp Program, on the other hand, fall mainly to participating banks. . .

Who is for Food Stamps?

There are, of course, some substantial food stamp constituencies as there would be for any program that has 11.8 million participants a month. Perhaps the most vocal opposition to any cashing-in of stamps would come from the food industry, the representatives of the 150,000 retail grocers whose profits have been shown to rise by an average of 8 per cent when a community gets food stamps. The general counsel of the National Association of Retail Grocers makes their priorities obvious: "This [food stamps] is one government program that is strongly supported by an industry. It helps the poor and needy, and it helps business, too."

Some state and local employers whose livelihoods depend on food stamp certification or issuance might become jobless were stamp distribution to be terminated. There are even companies such as Pitney-Bowes who are riding the program's crest by marketing a "Food Stamp Counter" that "counts and endorses 400 stamps a minute." As Pitney-Bowes puts it:

> The bigger the Food Stamp Program grows (and it's growing bigger all the time), the more time you have to spend counting and endorsing stamps that are presented to your store. Time that can be more profitably spent manning checkout counters or replenishing shelves. . . Our speedy Food Stamp Counter does the whole job. . . With an optional attachment, it batches, too. . . You can lease it from Pitney-Bowes for only $2.00 a day.

Finally, there are the recipients themselves who understandably constitute a built-in lobby for the program's continued existence because, while getting the stamps may be exhausting and demeaning, nonetheless the stamps are infinitely superior to the nothing that preceded them.

The self-interest of these groups in retaining food stamps is understandable. The concern of the nutritionists is somewhat less comprehensible. If having stamps means (as current statistical patterns reveal) that one-half of the eligible individuals will never receive their benefits, while some of the participating half will try either to cash in a portion of the stamps illegally or else use a portion of them for non-nutritious purchases, how does transforming stamps into equivalent cash and doubling the number of recipients create any greater danger that the poor will be malnourished? To assume that is to assume that at least two out of every three poor households will drastically misallocate their cash income and ignore their food requirements either because that income is too low to satisfy other basic needs or because adequate nutrition is not highly valued.

Whither Commodity Distribution?

There is no way to deliver a storageable month's supply of desirable foods containing 30 days' worth of recommended dietary allowances to every poor family in America, not unless we were practically to parallel the existing system of food enterprise, including buying freezers for the poor. No one wants to retain commodities—the recipients, the President, the nutritionists, HEW—no one, that is, except the Department and some processors to whom the Department is politically responsive, since it is only the processors, not the growers or the ranchers, with whom the Department contracts and who profit any way from the Department's food purchasing activities.

Allowing the poor to select their own commodities when they want them, in the size packages they want them, and where they want them is the preferred substitute. Stamps can help perform that task. Cash does it better. If there still remain edible surpluses what better recipients than the malnourished prisoners and patients in our institutions?

Whither Child Nutrition?

Cash is clearly the solution to the second most significant problem confronting the school lunch program, which is overt and covert discrimination against the recipients of free and reduced price lunches. The cash would have to flow in sufficient amounts from federal, state, and local governments to local school boards to permit every school to offer a free lunch to any pupil who wanted one. Classes and textbooks, after all, are free. A nutritious lunch, as well as breakfast where the demand exists, are also integral parts of the school day and should be supplied without requiring any child to pay. The cost of the lunch (approximately 60 cents per pupil each year) should be subsidized by all levels of government with the federal government shouldering at least three-fourths or 45 cents of the burden, just as the federal government now pays between 45 and 50 cents for each free meal served a needy child.

In addition to this general assistance, the federal government would have to continue to help schools without food service facilities or with facilities that are either deteriorated or insufficient to meet the demand. The help would come in the form of financial aid to purchase the necessary equipment, hopefully without any requirement for state or local matching. This federal program is essential to overcome the primary barrier to universal school lunch service for the poor.

Whither Other Nutrition Programs?

Cash aid would do away with the need for federal food assistance programs except for the general school lunch subsidy and equipment aid referred to above, and for two programs designed to feed those who cannot be expected to feed themselves: the very young, whose mothers and fathers are at work or otherwise absent from the home, and the elderly.

Since the principle of furnishing cash, not food, is that the poor will do a better job feeding themselves than bureaucrats could, the principle has a natural limitation. It does not extend to those who must be fed by others if they are to survive nutritionally. Poor children in day-care centers must be furnished meals. Poor elderly persons who are physically unable to prepare meals for themselves and are housebound should have food brought to them at home in ready-to-eat form. Poor elderly persons who could cook if they so chose, but are psychologically deterred from doing so because they lack the will to eat alone or who are not housebound, but lack effective cooking facilities in their rooms or apartments, should have meals prepared for their benefit in group settings in community centers and the like.

The solution here is a major expansion of the special food service program for day-care children (or, preferably, a nationwide child development program that would nourish as well as educate children under six) and a major expenditure of funds and energy to implement the newly-passed nutrition program for the elderly (the President is apparently seeking $100 million for this purpose in fiscal year 1973).

To Help Them Feed Themselves

Cash will not completely solve the problems analyzed above unless (1) the cash provides an adequate income floor for everyone, permitting each member of the household to afford and receive at home, at work, or in school, nutritious meals three times a day, regardless of whether the member is an infant, elderly, pregnant, nursing or adolescent (with no household receiving less financial assistance in dollar amounts than it now obtains from welfare and food stamp bonuses) and (2) that income is furnished through a simple, comprehensible, exclusively federally-controlled administrative mechanism that does not degrade the human dignity of the recipients of the income or destroy their family life.

That is a tall order for a social program to fill. But it is the only feasible way to end hunger and malnutrition in America.

There is no interim solution. There are no half-way measures of reform that will get the job done. It may prove necessary for humanitarian purposes to work at improving the food stamp program until such time as its replacement is ready in the form of adequate income maintenance. Undeniably, there is still need to extend program eligibility (and awareness) to every poor person in every county and township in the county; to end the illogical requirement that those who have too little money to begin with must pay for their stamps or receive none; to boost stamp allotment values to be equivalent to an adequate diet in the context of rapidly rising food prices. But all of these remedies should be recognized for what they are—*tinkering, however beneficial, with a food assistance system that has not worked, is not working, and never will work.*

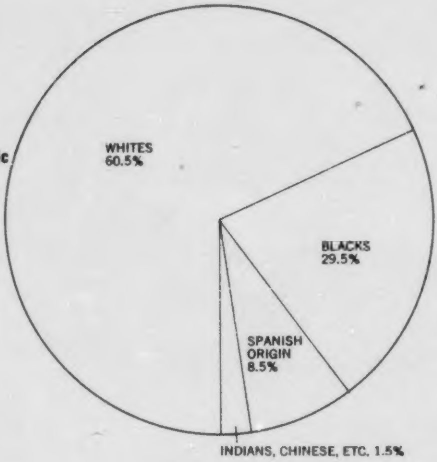
We cannot hope to feed the poor.

We can only guarantee them the opportunity to feed themselves.

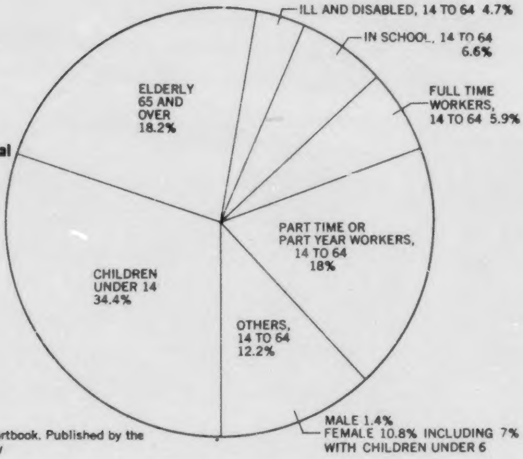
Appendix 1

POVERTY IN 1970

Poverty and Race/Ethnic Origin

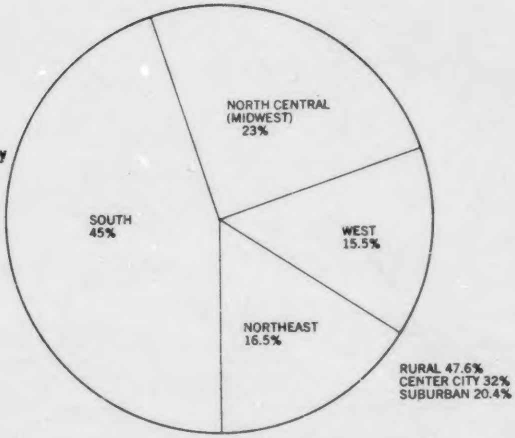


Poverty and Work Potential

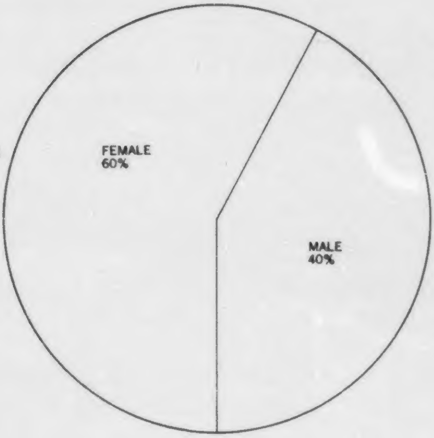


Source: The Poor in 1970: A Chartbook. Published by the Office of Economic Opportunity

Poverty and Geography



Poverty and Sex



Appendix 2
The Poverty Line

Because of the stringent approach adopted in designing the poverty line, millions of people who require assistance in meeting food, shelter, job and other human needs, but whose incomes exceed the arbitrary line, have been excluded from program participation and inappropriately classified as "middle-class."

The poverty line was originally developed in 1964-65 by the Social Security Administration (SSA) with the best of intentions and the worst of data. Since clothing and shelter needs were geographically distinct, while food appeared to be a national constant, the SSA focused on ascertaining the lowest outlay at which, according to USDA, an American housewife with average home-making skills could provide her family with a diet meeting recommended minimum nutritional goals. This level of food purchases—the Economy Food Plan which had been suggested by USDA—was then combined with the best available estimates of the percentage of income devoted to food expenditures by low-income families (⅓) to arrive at the poverty index.

The two components at the core of this definition of poverty were and are both arbitrary and inaccurate. The faults of the Economy Food Plan have been set forth on page 13. It offers at best an emergency diet, not long-term sustenance. It is deficient in several vitamins and trace minerals. It ignores significant factors of age, conditions, exertion and region. It gives the average American housewife less than a 50-50 chance of nourishing her family adequately.

The 33⅓% income input into food was derived from a 17 year old food consumption survey which had scant scientific validity because it was based upon individual recall. Longitudinal surveys of what poor families actually spend on food over a period of time do not exist.

When SSA published its poverty criteria, it announced that they were appropriate for general overall evaluation, but not suitable for use as individual criteria of needs. Policy-makers promptly proceeded to ignore this warning and utilized the criteria to determine social program scope and eligibility. SSA proposed revising the original measure in 1969 to reflect 1965 information on family food consumption patterns which would have resulted in raising the index by at least 10%. SSA even suggested investigating alternate models of income adequacy based on factors other than food. The response of the Bureau of the Budget (now OMB) was to abandon any analysis of the poverty measure while assigning no other agency responsibility for revising it.

As a result, the components of the poverty level have remained frozen since the beginning, although each year an adjustment occurs to reflect price changes in all items (not merely food) contained in the Consumer Price Index (CPI).

The poverty measure would be bad enough were it applied in any one month to determine who is needy, but, instead, it is used on an annual basis and thereby overlooks millions of people who fall below it for weeks or months at a time during a given year. The truth is that the proper measure is not the cost of buying some fixed set of goods and services, but rather the cost of participating in a social and economic system that continuously transforms luxuries into necessities.

Appendix 3

1968 Recommendations of the Board of Inquiry into Hunger and Malnutrition in the United States

Preamble

A. There must be a commitment by the nation to the proposition that every child has the right to an adequate diet. What do we mean by a "commitment"? We mean more than a statement by the President, or the preamble of a law. We mean that there be an organized set of laws and executive policies framed to achieve this objective. What is our model? It is not the federal anti-poverty program, which has been a great and valuable force but has never represented an actual commitment to eradicate poverty. Our model, instead is a commitment such as we made to expand industrial and farm production during World War II; to explore space and place a man on the moon; or to build a gigantic interstate highway system. In contrast, there has not been in this century a comparable commitment to a social or humane end. With a realistic and sincere sense of resolve, we must say that all our children shall eat well.

B. There must be a similarly resolute commitment to the proposition that every adult shall have the means to obtain an adequate diet. Had we met, or were now to meet, the solemn promise of the Employment Act of 1946, this commitment would today be a reality for all except the permanently and temporarily unemployable:

> *Sec. 1021.* The Congress declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means . . . for the purpose of creating and maintaining . . . conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.
>
> *Sec. 1022.* (a) The President shall transmit to the Congress not later than January 20 of each year an economic report setting forth . . . a program for carrying out the policy declared in section 1021 of this title, together with such recommendations for legislation as he may deem necessary or desirable.

This is an unkept promise, and, above all, America must take seriously its promises to itself, for otherwise there can be no national self-respect. When we speak here of a resolve that every adult be enabled to provide food for himself and his dependents, we are asking the nation not merely to make, but to keep, its promises.

* * *

To these ends, we propose the following. We do so, however, not in the spirit of insisting on the specifics of any single program, but rather in the spirit of saying that no measures of less seriousness than these we propose here will, we believe, accomplish what must be done. The governmental study of hunger and malnutrition now underway and ably directed by the U. S. Public Health Service will give good counsel, and in particular, will provide further guidance to the program needs we have addressed ourselves to by Recommendations II to XIV below. But that study cannot realistically be expected to be completed before the close of 1968, at the earliest, and there is an emergency now and the need for emergency action.

I

Because one-fifth of the households of the United States have diets determined by the U. S. Department of Agriculture to be "poor";

Because in households of low income levels, 36 percent subsist on "poor" diets;

Because the Department of Agriculture has found that the diet of Americans has deteriorated since 1955;

Because our study has shown that there are 280 counties of the United States in which conditions are so distressed as to warrant a Presidential declaration naming them as hunger areas, and these counties have been named and sufficiently described in this report;

Because all evidence indicates that the worst of all health conditions exist among migrant farm laborers and on some Indian reservations;

Because evidence mounts that diet deficiencies in early childhood cause irreversible organic and psychological brain damage;

Because a civilized people, that has the means, does not wait for famine and mass starvation in order to protect its children and its weak;

And, finally, because the very existence of the conditions found by the Department of Agriculture, as well as our study, is conclusive evidence that existing federal food programs are terribly insufficient.

We call upon the President to:

—declare that a national emergency exists;

—institute emergency food programs within these 280 hunger counties, at migrant farm camps, and, after consultation with tribal councils, on selected Indian reservations; all this to be done as the first earnest effort of a national resolve to dispel hunger;

—use all available statutory authority and funds including that under Section 32, P.L. 320 74th Congress customs receipts; under emergency food and medical appropriations (receipts) for the Office of Economic Opportunity, and under the 1967 Social Security Amendments providing for federal participation to needy families with children in order to assure completely adequate food programs in these counties;

—ask Congress for immediate enactment of such other powers and appropriations as he needs;

—use also in these places the authority and funds provided under the federal food programs, to the extent that doing so will not take funds away from other areas;

—report to the people by September 1968 the numbers of needy people reached in these counties, the number yet unreached (if there be any) and the nutritional adequacy of the diets provided for all these programs;

—report, at the same time, plans for longer range programs.

* * *

In our view, those long-range programs must embrace provisions as comprehensive and as concrete as the following:

* * *

II

Federal food programs should be available to the needy of every locality and should not depend on local or state option. State and/or local governments should be able, however, to pre-empt administration of the food program on presentation of certifiable plans, and within the federal programs there should be, in fact, some financial inducement to encourage them to do so. No such plan should be approved, however, until well advertised public hearings, at times and places convenient to probable beneficiaries, have been held, and no plan should be certified that does not include an expeditious procedure for appeals by a person from a state or local action to the designated federal authority, which should be, we think, either the Office of Economic Opportunity or the Department of Health, Education, and Welfare.

III

The basic federal food program should be the free Food Stamp Program, as described below. The commodity distribution program should be solely a surplus distribution program, providing surplus commodities, when available, to food stamp holders at prices well below prevailing retail prices. As is now the case, commodities should also be made available to certain hospitals and other organized institutions.

IV

Eligibility for food stamps should be keyed to income, dependents, and medical expenses. The formula, in the first place, should be based on the resolve that diets meeting the current standards of the Recommended Daily Allowance shall be made obtainable. This formula, in the second place, should bear some negative relationship to the same factors of the federal income tax.

V

At levels set by law, persons should become eligible for varying quantities of stamps without further investigation. We think all heads of households or non-dependent adult individuals should be required to file a simplified federal income tax return (to so require would, obviously, necessitate that free and dignified assistance, through the Post Office or other agency, be made available to those unable to do the chore themselves). A perforated voucher could be attached to the return, and the eligible individual could simply present it, after endorsement by the official receiving his income tax return, to the designated food stamp official in order to receive his stamps. Enforcement of truth-telling would rest — as with the income tax — with the Internal Revenue Service, using sample checks.

VI

An eligible person should, therefore, receive more or fewer stamps depending on need. Since the criterion is need, there would be, consequently, no reason that the recipient pay anything at all for the stamps to which he or she is entitled.

VII

A readily accessible means of reporting negative changes should be provided, so that a person becoming, for example, unemployed or incurring heavy medical costs, can establish or enlarge his eligibility during a year. Again, an affidavit system should be used, with truth-telling enforced by the Internal Revenue Service.

VIII

The aim being to achieve adequate diets, the law should recognize the special dietary needs of pregnant women, the aged, infants, the sick, and perhaps others. Such persons should have their stamps adjusted upwards in monetary value, and this could be done most simply on the basis of a physician's or public health nurse's endorsement.

IX

In furtherance of the resolve that every child have an adequate diet, we believe that school lunches should be available to every child enrolled in public, private, or parochial schools, up to and including 12th grade, as well as in kindergarten, Headstart or other pre-school centers, nursery school, and day care centers. The lunches would have to conform to federal nutritional standards. The partnership between the federal, state, and local authorities might well be on the basis of the federal government providing all the food, with states and local authorities administering the program (subject to an approved federal plan, which, as above, contains an appeal procedure and is adopted only after hearings), and absorbing all administrative costs (including that of transportation and storage of food within the state). State and/or local participation should be encouraged by effective use of such devices as tax offsets or reduced grants-in-aid.

If other social purposes of government require that families who can afford to pay for lunches do so, then such payment should be provided for in a way that respects the sensitivities of children and their parents, and is administratively simple. To this end, we suggest consideration of a system of non-transferable lunch stamps which would be the only currency acceptable for federally supplied lunches, which would go to food stamp recipients along with their other stamps and which could be purchased by other parents at the issuing office.

X

School lunches could appropriately be used for prudent experiments with the palatability and nutritional effectiveness of so-called fortified foods; if children found a liking for them, a market for those of proven nutritional value might develop.

XI

Either the Department of Health, Education, and Welfare or the Office of Economic Opportunity should be directed and funded to employ and soundly train a large number of food stamp recipients (perhaps in a ratio of one trainee to every 50 recipients) as nutrition and health care extension workers among the poor. Again, the states or local governments should be encouraged by some financial inducement to pre-empt this program on submission of a certifiable plan, approved after public hearing.

XII

Until such time as the President is able to report to the country that no households (or only an insignificant number) have diets that fall below the Department of Agriculture's criterion of "good", and that federal assistance is no longer a factor in keeping them at that level, custom receipts under Section 32 should be made available as required to supplement other appropriations for the food needs of the poor.

XIII

Medical, graduate, and nursing schools now give astonishingly little attention to the diagnosis and treatment of malnutrition, or to an understanding of its causes and effects. They should give much more, and the federal government and foundations should finance at the schools and in their own centers far more research and training in this area.

XIV

Finally, we do hope and urge that private organizations concerned with human welfare will address themselves to this most elemental of all of humanity's problems and that each will find within its purposes and resources its own distinctive contribution; and that all these organizations will, as part of their contribution, continuously monitor and evaluate governmental programs. To this end, and as a first step, we shall ourselves distribute our principal findings and our recommendations to groups representative of the nation's poor.

Appendix 4

Table of Federal Food Assistance Programs

Name of Program	Act (and Section)	Brief Description	Who Administers	State Matching Requirement
1) Food Stamps	Food *Stamp Act* of 1964 (substantially revised in 1970-1)	Sale of varying *amount of coupons* (according to family size) exchangeable for non-imported foodstuffs in return for cash outlay dependent upon purchasing household's income	FNS,* USDA: *State and* county welfare agencies	Coupons-None *Cost of coupon* issuance 100% Cost of certification for program of non-public public assistance recipients, outreach and fair hearings 32.5%
2) Commodity Distribution				
a) Section 32	Section 32 of Public Law 74-320 (Act of August 24, 1935)	Purchase by Secretary of surplus commodities and subsequent distribution to needy individuals	C&MS,** USDA: State commodity distribution agencies (educational agencies, agricultural bureaus, welfare agencies)	Commodities-None Warehousing, intrastate transportation, non-public assistance recipient's certification 100%
b) Price-support acquisition	Section 416 of Agricultural Act of 1949	Purchase by Commodity Credit Corporation of commodities to maintain price	As in 2a)	As in 2a)
c) Dairy products	Section 709, Food and Agriculture Act of 1965	Purchase by Commodity Credit Corporation of dairy products, other than fluid milk, for distribution to needy households	As in 2a)	As in 2a)
3) Nutritional supplements	Each year's Agricultural Appropriations Act	Distribution of allotment of commodities to pregnant and nursing women and small children	C&MS, USDA: County health offices and Welfare agencies	Commodities-None Warehousing, intrastate transportation, and certification 100%
4) Food Certificates	As in 3)	Free supply of $10 of coupons per pregnant/nursing woman and $5 per child under one exchangeable for milk, formula, baby cereal	FNS, USDA: Five county health offices and welfare agencies	None
5) Emergency Food and Medical Services	Economic Opportunity Act Section 222 (a) (5)	Funds to furnish food services to the malnourished poor by support of any existing food program and/or creation of new ones	Office of Economic Opportunity's Office of Health Affairs: Community action agencies	20% in cash or kind, unless Director of Office of Economic Opportunity lowers
6) General Assistance a) Public Schools	NSLA*** - Section 4	Across-the-board cash assistance for lunches in all participating schools (average contribution of 8¢ each lunch)	FNS, USDA: State educational agencies to school districts	$3 state for every $1 Federal, but "state" includes children's payments, but 6% must come from state revenues (18 state cents to every Federal $1) by fiscal 1974
b) Private Schools	NSLA - Section 10	Withholding of funds for non-profit private schools in 26 states	FNS, USDA: Regional offices to school districts	$3 from sources within the state expended by private schools in state to every $1 Federal
7) Special Assistance a) Public Schools	NSLA - Section 11	Special cash grants to assure receipt of lunch by needy children at whatever school they attend (average contribution of 42¢ each lunch, including funds from 8 below)	FNS, USDA: State educational agencies to school districts	None - school can receive up to 100% of cost of serving meal or Secretary's maximum reimbursement rate, whichever is lower

*FNS—Food and Nutrition Service

**C&MS—Consumer and Marketing Service

***NSLA—National School Lunch Act

Name of Program	Act and Section	Brief Description	Who Administers	State Matching
b) Private Schools	NSLA - Section 11	Withholding of funds for nonprofit private schools in 26 states	FNS, USDA: Regional offices to school districts	As in 7a)
8) Special Section 32 a) Public Schools	Each year's Agriculture Appropriations Act	Money alloted to states for use in feeding needy children through provision of lunch, breakfast, and/or state administrative expenses	FNS, USDA: State educational agencies to school districts	As in 7a)
b) Private Schools	Each year's Agriculture Appropriations Act	Withholding of funds for nonprofit private schools in 26 states	FNS, USDA: Regional offices to school districts	None
9) School Breakfast a) Public Schools	CNA* - 4(a)	Across-the-board cash assistance for breakfasts in schools drawing attendance from poor areas or to which a substantial portion of pupils must travel long distances (average contribution of 15¢ each breakfast)	FNS, USDA: State educational agencies to school districts	Minimum of none of operating costs in needy areas; maximum of 100% of nonfood costs plus food costs less Federal reimbursement
b) Private Schools	CNA - 4(f)	Withholding of funds for nonprofit private schools in 26 states	FNS, USDA: Regional offices to school districts	As in 9a)
10) Nonfood Assistance a) Public Schools	CNA - 5(a)	Aid for buying or renting food service equipment for schools drawing attendance from poor areas	FNS, USDA: State educational agencies to school districts	25% from state or local funds
b) Private Schools	CNA - 5(d)	Withholding of funds for nonprofit private schools in 26 states	FNS, USDA: Regional offices to school districts	None
11) Special Food Service Program a) Public Service Institutions	NSLA - Section 13(a)	Cash aid to nonprofit food service programs for meals or food service equipment (25% limit) for children in day-care centers, settlement houses, recreation centers, etc., which provide day-care for children from poor areas or areas with high concentrations of working mothers	FNS, USDA: State educational agencies to school districts	Food service - none, but minimum of 20% of cost of serving food; maximum of nonfood costs. Equipment assistance - 25% from non-Federal source
b) Private Service Institutions	NSLA - Section 13(d)	Funds for same programs in nonprofit private service institutions in 32 states	FNS, USDA: Regional offices to school districts	As in 11a)
12) Special Milk Program a) Public Schools	CNA - Section 3	Cash assistance to lower price of milk in schools and service institutions	FNS, USDA: State educational agencies to school districts	None
b) Private Schools	CNA - Section 3	Withholding of funds for nonprofit private schools in 31 states and for nonprofit private child care institutions in 32 states	FNS, USDA: Regional offices to school districts	None
13) Federal Administrative Expenses	NSLA - Section 6	Funds for Secretary's expenses in administering NSLA and CNA programs	FNS, USDA	None

*CNA—Child Nutrition Act

Name of Program	Act and Section	Brief Description	Who Administers	State Matching
14) State Administrative Expenses	CNA - Section 7	Funds for state educational agencies and commodity distribution agencies for their administrative expenses in supervising and giving technical assistance to local school districts and service institutions for all CNA programs and NSLA special assistance and special food service for children programs	FNS, USDA: State educational agencies and commodity distribution agencies	100% less Federal contribution under this program
15) Commodities a) Section 6	NSLA - Section 6	Purchase by Secretary of highly nutritious commodities for distribution to schools and service institutions (provides average contribution of 7¢ each lunch together with funds from b), c) and d) below)	C&MS, USDA: State educational agencies or commodity distribution agencies to school districts	Commodities - None Warehousing, intrastate transportation, and processing - 100%
b) Section 32	Section 32 of P.L. 74-320 (Act of August 24, 1935)	Purchase by Secretary of surplus commodities followed by donations to schools and service institutions	C&MS, USDA: State educational agencies or agencies or commodity distribution agencies to school districts	As in 15a)
c) Section 416	Section 416 Agricultural Act of 1949	Price-support acquisition by Commodity Credit Corporation of commodities and donations to school lunch program	CCC* and C&MS, USDA: State educational agencies or commodity distribution agencies to school districts	As in 15a)
d) Commodities-Section 709	Section 709 Food and Agriculture Act of 1965	Purchase by Commodity Credit Corporation of dairy products, other than fluid milk, to meet requirements of school programs	CCC and C&MS, USDA: State educational agencies or commodity distribution agencies to school districts	As in 15a)
16) Surveys and Studies	NSLA—Section 6 (3)	Funds for Secretary to commission surveys and studies of food service program requirements either through grants to states or other means (contracts with other groups)	FNS, USDA: State educational agencies or other public or private organizations, including school districts	None
17) Training	NSLA—Section 6 (3)	Funds for Secretary to provide nutritional training and education for food service workers, cooperators and participants either through grants to states or other means	FNS, USDA: State educational agencies or other public or private organizations, including school districts	None
18) Special Developmental Projects	CNA—Section 10	Funds for each state to use for pilot projects to improve methods and facilities for providing food service to children	State educational agencies	None—but really state is grantor
19) Title 1 Elementary and Secondary Education Act	ESEA**—Sections 101 and 105	Financial assistance to local educational agencies serving areas with high concentrations of educationally disadvantaged children, including food service programs	OE***, HEW**** State and local educational agencies to school districts	None

*CCC—Commodity Credit Corporation
**ESEA—Elementary and Secondary Education Act
***OE—Office of Education
****HEW—Department of Health, Education and Welfare

Name of Program	Act and Section	Brief Description	Who Administers	State Matching
20) Migrant Children	ESEA—Section 103(a)(6)	Financial assistance for establishing or improving programs for migratory children of migratory agricultural workers, including food service	OE, HEW: State and local educational agencies	None
21) Handicapped Children	ESEA—Section 103(a)(5)	Grants by Secretary to states responsible for providing public education for handicapped children, including food service	OE, HEW: State educational agencies	None
22) School Nutrition Demonstration Projects	ESEA—Section 808	Grants by Secretary to support demonstration projects designed to improve nutrition and health services in schools serving poor children	OE, HEW: Local educational agencies or non-profit private educational organizations	None
23) Head Start	EOA*—Section 222 (a)(1)	Comprehensive educational-nutritional services for poor children below compulsory school attendance age (3, 4, and 5)—pre-Nov. 1969 programs only; post-Nov. can obtain from 11	OCD**, HEW: Local educational agencies and community action programs	20% in cash or kind, unless Director of OEO lowers
24) Follow Through	EOA—Section 222 (a)(2)	Comprehensive educational-nutritional services for poor children in kindergarten through third grade	OCD, HEW: Local educational agencies	20% in cash or kind, unless Director of OEO lowers
25) Indian Children	Johnson-O'Malley Act Public Law 73-167, as amended	Funds supplied to local educational agencies to meet special needs of Indian children not met under other Federal programs, including malnutrition	Bureau of Indian Affairs, Department of Interior; Local educational agencies	None
26) Model Cities	Demonstration Cities and Metropolitan Development Act of 1966—Section 103	Funds supplied to model cities to support comprehensive attack on area's physical and social problems, including malnutrition	Model Cities and Governmental Relations, HUD;*** Community development agencies	20% of cost of carrying out Federal grant-in-aid programs in conjunction with Model Cities
27) Social Services	Social Security Act-Section 402(a)(14) (15) and 403(3)(a)	Funds for social services to recipients of and applicants for public assistance, including food service if deemed necessary to foster child development and assure employment potential, under an approved state plan	Social and Rehabilitation Service, HEW; State welfare agencies	$3 Federal for every $1 state

*EOA—Economic Opportunity Act
**OCD—Office of Child Development
***HUD—Housing and Urban Development

Chairman **Perkins**. Our next witness is Mr. Straus.

Mr. **Straus**. Thank you, Mr. Chairman. I have two statements, part I and part II, which I would like to insert in the record as one.

Chairman **Perkins**. Without objection both will be inserted in the record.

[Statements follow:]

STATEMENT OF LEWIS B. STRAUS, PRESIDENT, NATIONAL CHILD NUTRITION PROJECT: PART I

Mr. Chairman, my name is Lewis Straus and I am president of the National Child Nutrition Project, a Federally supported non-profit corporation which seeks to increase participation in child nutrition programs, particularly among children from low-income families. In 1971 and 1972, I served as school lunch director for the State of New Jersey.

Since this committee has been instrumental in broadening the scope and effectiveness of child nutrition programs, I would like to urge it this afternoon to take action which once and for all will guarantee that every school child shall have prompt access to a nutritions lunch, no matter what school he may be attending.

Public Law 91-248, enacted in 1970, provided an excellent administrative and financial mechanism for getting lunch to those children attending schools which elected to participate in the National School Lunch Program. Roughly 23,000 schools did not offer their students lunch in mid-1970; today, after three years of exhortation, approximately 15,500 schools are still not taking part in the lunch program. These schools enroll about 5,000,000 children, of whom at least twenty percent—or 1,000,000—are needy.

Moreover, there has been a marked slowdown in the rate at which schools are entering the lunch program. Between October 1970 and October 1971, 4,536 new schools were approved for participation. During the next twelve months, from Ocotber 1971 to October 1972, only 2,028 new schools chose to enter the program. This trend is ominous, for it suggests that the era of rapid school lunch expansion may be ending.

At present, our hopes for further lunch expansion rest on the goodwill of Federal, state, and local program authorities. We are assuming that their beneficence, joined to ever-increasing amounts of financial assistance, will do the job. I am not so sure.

Section 11 of the National School Lunch Act calls for the submission of a state plan, due each January 1 and requiring the approval of the Secretary of Agriculture, as a prerequisite to the receipt of Federal funds and commodities. This plan includes a description of the way the state education agency intends to use child nutrition funds to furnish a free or reduced-price lunch to every needy child. It also contains a narrative of the state's strategy for extending the lunch program to every school in the state. I prepared a state plan, and it met all the formal criteria for an acceptable document. But since intransigent school districts were no less stubborn upon completion of the plan, it was evident that fine words were futile if not backed by a clear legislative mandate to feed all children.

Five million children await such a mandate. Their plight has been heavily publicized in Philadelphia, in Boston, and in Cleveland; but it is no less palpable in Saginaw, in Bayonne, and in Egg Harbor City. Some of these children were first graders when Public Law 91-248 was enacted. In two months they will enter the fifth grade, and they are still malnourished, still lethargic, still forgotten.

I strongly support the extension of the school lunch program to all public schools, which you propose in Section 14 of H.R. 4974. I would suggest four changes, however:

1. The date by which a school food authority presently operating one or more lunch programs is required to operate the program in all schools should be addanced to June 30, 1974. Once the basic structure of a school food authority is in place, rapid program expansion throughout a school district is feasible.
2. The lunch program should be extended to all schools by September 1, 1974. Assuming enactment of this bill prior to the end of 1973, there will be adequate staff and budgetary planning time to begin lunch programs at the start of the 1974-75 school year.
3. This program extension should encompass all schools, whether or not there are any children in attendance who qualify for free or reduced-price lunches. I

recommend this modification for two reasons. First, the nutritional and social benefits of the lunch program are important enough to warrant its inclusion in schools enrolling children of all economic levels. Second, I would not envy the position of the one child or five children or even fifty children whose low family income forced a recalcitrant school board to begin a program it detested.

4. Finally, I would hope that it is constitutionally permissible to provide the benefits guaranteed in this section to children attending non-public schools. We know that such schools are by no means the exclusive province of the financially well-to-do or of the nutritionally privileged.

Thank you.

STATEMENT OF LEWIS B. STRAUS: PART II

Mr. Chairman, I would like to take this opportunity to address myself also to the serious problems now besetting the summer feeding program.

The summer feeding program, or Section 13 as it is also known, is one of the most important programs run during the summer in our inner city and poor rural areas. It is designed to provide food to needy children who are recipients of free and reduced price school lunches and breakfasts during the regular school year, but who lack this nutritional assistance during the summer months when school is not in session.

Today this program is stagnating, although less than 20 percent of the children who receive free or reduced price lunches during the school year are reached by this program during the summer. The Department of Agriculture should be taking steps to ensure that this program reaches more of these needy children. However, the Department has moved—through new regulations published in May—to remove some children and feeding sites from the program and to cut back on the amount of food provided to many children remaining in the program.

Before examining these new regulations, let me briefly review the history of last summer's program. Last year, Congress made available $50.6 million for this program, in part due to your efforts, Mr. Chairman. Less than $29 million of these funds were actually spent. Several million needy children who might have been reached went unaided by the program, while over 40 percent of the available funds were returned to the Federal Treasury.

Why did this happen? Certainly USDA's failure to inform state and local officials of funding levels until late May—and in some cases mid or late June—played a major role in inhibiting program growth. The late funding notification made it virtually impossible for officials in many cities to plan adequately for smooth and efficient operations in the early weeks of the summer, and dissuaded cautious state directors and local agencies from undertaking vigorous outreach efforts until it was too late to add new sites to the program.

Rather than striving to prevent a recurrence of this unfortunate phenomenon, however, USDA again failed this year to provide program sponsors with anything even approaching an adequate amount of lead-time. The new final regulations for this program were published on May 8, just a few short weeks before program operations were scheduled to begin in many areas.

USDA officials have repeatedly stated in meetings, in Congressional hearings, and in USDA publications that adequate lead-time is essential to ensure a successful summer feeding program. If USDA officials are truly committed to making this important program a success, then they should have made sure that the regulations were out several months earlier.

USDA officials often talk of "abuses" and "violations" in this program, but a large percentage of the alleged infractions result from the difficulty of setting up a tightly run program in storefronts, parks, play streets, and housing projects in only a few weeks. If USDA wants to "tighten up" on this program as it says, then it should publish its regulations and make final funding decisions at a much earlier date. This—and not draconian measures that eliminate children and sites from the program—are the necessary measures for USDA officials to take. Instead, by waiting until May, USDA has assured yet another summer of last minute planning and confusion, inevitable irregularities in the early part of the summer, and inadequate outreach efforts to locate new sites and sponsors and bring more children into the program.

Even more damaging is the content of these new regulations. Last summer, program sponsors could serve breakfasts, lunches, meal supplements, and suppers, as long as meals did not overlap. USDA figures show that 2.6 million breakfasts, 900,000 suppers, and 13.9 million supplements were served in last summer's program. These meals accounted for 20 percent of all meals served nationwide last summer.

For most sponsors, the new regulations wipe out all meals except lunch. The regulations eliminate the breakfast pattern, state that a supplement can only be served when the same children are present at a site for more than 5 hours, and that a third meal can only be served at sites where the same children remain for over 8 hours.

This means that a site at which children are present from 11:00 to 4:15 can serve lunch at 12:00 and a supplement at 2:30; but that a site at which children are present from 11:00 to 3:00 would not be allowed to serve anything at 2:30.

This new regulation takes food away from children all across the country at a time when spiraling food prices may be causing them to get less food at home. In Newark, in my own state of New Jersey, thousands of children received breakfasts as well as lunches last summer. This year, these children either receive only a lunch, or at best a supplement in addition to lunch. In Los Angeles, tens of thousands of children who received meal supplements in addition to lunches last year have been denied anything more than a lunch this summer.

This cutback of breakfasts, suppers, and supplements—coming at a time when Congress has instructed USDA to expand the school breakfast program—is puzzling. But it is not unintended. An internal USDA memo explaining the purposes of the new regulations, and prepared early last winter for then Assistant USDA Secretary Richard Lyng, flatly states that a major goal of the new regulations is to "permit the service of only one meal per day per child, except in unusual circumstances."

I ask the Committee to consider what purpose these new meal restrictions could be designed to serve—except to save money.

Cutting back on breakfasts, suppers, and supplements should save USDA $2 million or more over last summer's expenditures. But last summer over $21 million in program funds went unspent. Is the Administration attempting to spend even less on this summer's program?

I do not know the answer to this question, but I do know that when a negotiating team for the National League of Cities—U.S. Conference of Mayors, of which I was a member, objected to this aspect of the proposed regulations in meetings with USDA administrators last March, we were told that they had to operate under "budgetary constraints." This is a most peculiar statement, in light of the fact that the Administration requested and Congress has now passed an appropriation of $50.6 million again for this program. Perhaps the Committee would wish to investigate whether the Office of Management and Budget has actually targeted a lower figure for the program's expenditures and has helped direct a form of impoundment by regulation in order to keep program expenditures in the $25–$35 million range.

Other aspects of the new regulations pose equally serious problems. The Labor Department announced last Friday that wholesale food and farm prices for June 1973 were 34.9 percent above June 1972 levels. But USDA has refused to raise last year's reimbursement rates—for either the summer program or the year-round day care feeding program that is also part of Section 13—by a single penny.

This refusal to raise reimbursement rates (which should again be considered in the light of last summer's $21 million surplus) has had widespread repercussions. In New York City, all but a handful of New York City's 32 community school districts have refused to come into the program this summer, largely because the 60 cent reimbursement rate for Type A lunches is too low to cover expenses. Thousands of New York children are left out of the program as a result.

In Baltimore, city officials reported in May that they would have to downgrade their menu specifications significantly—providing a less appetizing meal—to stay within the 60 cent limit. And just last week, officials of the Detroit Task Force on Hunger and Malnutrition reported a significant increase over last summer in the number of lunches being thrown away by children this summer. These officials report that the food is of poorer quality and that, in addition, the portions of some items have been reduced. All this is to say within the 60 cent level, the same level used in the summers of both 1971 and 1972, during an era of much lower food costs.

Still other aspects of the new regulations have limited program growth, and in some cases caused the elimination of existing sites and sponsors from the program. USDA requirements that sponsors must have affidavits from each parent in areas where sponsors cannot make a blanket statement that every individual child qualifies—even though the site may be located in a Model Cities area or a housing project—have eliminated sites from the program in many states. Mayor Stephen May (R) of Rochester reported last week that about 25% of all the feeding sites in his city have been required to secure individual affidavits under this new requirement, and as a result, all such sites have dropped from the program. Nearly two thousand children who were served without problem last summer have been cut. As Mayor May and officials in other cities have pointed out, affidavits are difficult enough to collect over a period of months in the schools, where the children are present all day in an organized, institutionalized setting. To collect affidavits in a few weeks at the beginning of the summer is proving extremely difficult, if not impossible, at many inner city summer feeding sites serving hundreds of children at once with limited staff.

Yet another new restriction contained in the May 8 regulations is the requirement that sites must be located in areas for which documentation can be produced to show that 50% of the children are eligible for free and reduced price school lunches or that 50% come from families with working mothers. This documentation is difficult to produce and the new 50 percent requirement has eliminated sites in such disparate states as New Jersey, Florida, and New Mexico.

In Florida, state school lunch director George Hockenbery reports that the 50 percent requirement penalizes integrated schools. The percentage of children eligible for free or reduced price school lunches at schools located in poor areas and integrated via cross-town busing is frequently less than 50 percent. Thus a number of integrated schools that qualified as summer feeding sites in previous years have now been eliminated from the program.

CAP'S, MODEL CITIES, AND NYC

To all of the above factors should be added one other major development—the cutbacks in Neighborhood Youth Corps, Model Cities and some community action agency programs. Many of the sponsoring agencies and much of the manpower to run summer feeding operations in past years came from these three programs.

When the effect of these cutbacks is added to the effect of the new restrictive regulations, the effect is quite substantial. On June 25, the Senate Select Committee on Nutrition and Human Needs sent out a questionnaire to state directors to determine the status of this summer's program. The results from the 14 states that have answered to date are not encouraging.

Iowa, Indiana, New Mexico, Colorado, Minnesota, and Wyoming report fewer sponsors running feeding operations than last summer. The cities of St. Paul, Des Moines, Denver, and Sioux City, Iowa—among others—have eliminated or substantially reduced their programs. Officials in Florida and Michigan report a few smaller cities also dropping out of the program in their states.

Mr. Chairman, we must remember that this is a program that is barely scratching the surface of the need that is in the country a program that is wholly inadequate when compared to School Feeding Programs. This is a program that left $21 million unspent last summer and should be greatly expanding, not stagnating or contracting.

LATE REIMBURSEMENTS

One final point I would like to add concerns USDA's practice of keeping sponsors and vendors waiting months for reimbursement. A survey taken by Mr. Leonard's Community Nutrition Institute in late March, 6 months after last summer's program operations ended, found that USDA still had not paid for 40% of the meals served last summer in Chicago, 32% of the meals in Washington, D.C., 27% of the Atlanta meals, over 25% of the New York City meals, and 20% of the Los Angeles meals.

This failure of USDA to pay its bills within a reasonable period of time discourages program expansion, and works severe hardship on small and minority food service companies who have cash flow problems and have to borrow money at high interest rates to pay for the food they ordered and served in the program.

In the New York area, for example, one small vendor, had to borrow $110,000 at 13% interest to settle debts accruing. from last summer's operation Six months after the end of the summer, USDA still had not paid $150,000, amounting to 40% of this vendor's reimbursement. As a result, when the banks called in their loans, the vendor went bankrupt. Other small and minority vendors—including a minority-owned business credited with the best food service in the New York City program last summer—managed to survive but took quite a beating from USDA's continual delays in paying its debts. If such dilatory practices continue, we will inevitably see an increasing share of the summer feeding program falling to those few large food service conglomerates that can more easily afford to wait for their money.

Chairman **Perkins**. Thank you very much.

Mr. **Straus**. I will be brief. It is very late and I will say what needs to be said rather rapidly.

I have come mostly to speak about section 14 of H.R. 4974. Section 14 extends the school lunch program to all schools. For 2 years I was school lunch director of the State of New Jersey and I saw how difficult it is to extend the program to schools which are recalcitrant or in other ways intransigent. I would like to tell a story, if I might, of the difficulty of reaching these 23,000 schools.

Three years after Public Law 91–248 there are still in this country 15,000 schools not participating in the school lunch program. Five million students are enrolled in those schools, and roughly 1 million of those children are needy. In my home State of New Jersey there are roughly 950 public schools in the program. They enroll more than half a million children, and roughly 100,000 of those children are needy. There is a city by the name of Egg Harbor City in southern New Jersey that lies 20 miles west of Atlantic City. You couldn't find it unless you were looking for it. It is off all main roads, but people on the way to the boardwalk often pass by it, and I have passed by it and entered it.

In 1970 several citizens in Egg Harbor City asked for a school lunch program. The school board responded—this was in the spring of 1970—by saying there is no need in Egg Harbor City. One year later the same group of citizens spoke to us in Trenton at the office of food program administration, which I headed. And they brought me up to date on what had happened in Egg Harbor City over the past year and told me of their future intent. They intended and later did prepare a lengthy statement to which was appended the names of 100 supporters of the school lunch program and presented this to the board of education informally. When this petition was presented, the board announced through its president informally to the leader of the group that this petition was not to be formally presented to the board or the petitioners would no longer receive credit at the town's only appliance store.

The town's only appliance store was owned by the president of the board of education. Those who did not receive credit at the town's appliance store cannot have their appliances repaired in Egg Harbor City, because only appliances bought at that store can be repaired by that appliance dealer. Once again the board said there is no poverty in Egg Harbor City. And I said at that time to the citizens' group, "Let's take a look at the title I application," which showed the following: It showed that there are two schools in Egg Harbor City; one enrolled 312 students and another enrolled 280 students.

The one that enrolled 312 students had 78 children who came from families receiving aid to dependent children. The school enrolling 280 children had 52 children who come from families receiving aid to dependent children. So, from enrollment of 592 children 120 were eligible to receive aid to dependent children, and hence would be eligible for free lunch in New Jersey.

Several months later another appeal was made, and at this time it was the vice president of the board of education who blocked the extension of the lunch program. I must add that the vice president of this board—it is a five-member board—owned the luncheonette near the high school, one of the two schools in that city.

The point I am trying to make is there has come a point now where, after 3 years of intensive effort, those schools that have wanted to enter the program have entered it. Those that are no longer in the program need the kind of squeeze that a Federal mandate requires.

So I urgently entreat you, sir, to consider section 13 as an integral part of this bill. You have suggested some changes in the statement, but I would rather not elaborate on that now.

Chairman PERKINS. Thank you very much. Let me compliment all of you gentlemen for outstanding statements. I wish I had more time. I have several questions.

Dr. Paige, I presume you are familiar with the final regulations that have been formulated by the Department of Agriculture on the supplemental nutrition program for infants and mothers. Do you feel that the regulations have been written so that participating agencies will, by the end of fiscal year 1974, be able to supply the data—particularly evaluation data--on the effects on infants of supplemental feeding? Or, do you feel the evaluation is a long-range program to determine how the children who have been supplied with supplemental foods compare to a control group which did not partake of the program?

Dr. PAIGE. I have not seen the final written version, although I have been active in discussing the regulations with several groups within and without Government. I think there are two elements in response to that question. With respect to some of the physical parameters in terms of infant growth during the first year of life, within a 12-month period some information can be retrieved.

Within 6 months I don't believe—I don't feel that data will support or will be provided which will help move our knowledge significantly forward. However, this does not necessarily require long-term, multiyear studies, but one would like to see at least a 3 or 4 or 6 months' gear-up period, 1 year of rigorous evaluation, and perhaps 3 to 6 months for initial analysis. That is the first element of response.

The second part of that response should include some consideration of what we are really after, and that is for a better, healthier, more optimally developing infant and child, and to achieve that I think we need several years of observation to see that the cognitive development is improved; that indeed this infant is competing a bit more successfully in his environment. The objective is to get a more optimally developed baby rather than a bigger baby, because bigger is not necessarily better, and data in the scientific literature will suggest that high quality protein during the first years is one of the ways to accomplish this end. But that couldn't be determined at the end of a 12-month period.

Chairman PERKINS. Thank you very much, Dr. Paige.

Mr. Leonard, do you share my concern that the States will not come along from the standpoint of making more funds available for the school youngster that really needs a free lunch if we don't make more funds available from the Federal level? And, from the standpoint of the middle-class youngster, that he may be priced out of the school lunch program if we don't raise the reimbursement rate?

Give me your views, please. You have had a lot of experience in the department downtown over a period of years.

Mr. LEONARD. Yes, I agree with you; the reimbursement rates—and, John, I haven't had a chance to discuss this point, so we will discuss this long distance, this way. I think there are an awful lot of changes to be made in the child nutrition program area. I don't think that we can simply sit and wait now and not attend to the funding problem. I think unless this Congress does take action now, there will be fewer children participating in the lunch program. I feel that as long as we are talking now about a national policy——

Chairman Perkins. Yes.

Mr. Leonard. Congress is setting out these standards, that children in school should be provided a lunch, that therefore Congress assumes certain responsibilities to provide the resources to carry out that policy. We are caught in a very difficult situation now, with increased costs because of inflation and food shortage. It is not the best option to always be increasing the amount of money that is provided. There has to be some better long-range solution for it.

But we are into it now, and I don't see any other option than to go ahead this year to increase the general assistance level. Like you, I feel it ought to go up to 12 cents, rather than 10, and to increase the special assistance. But do that in full recognition of the need to take a much——

Chairman Perkins. Broader view?

Mr. Leonard. Broader look at it.

Chairman Perkins. Yes, sir.

Mr. Leonard. And within the 6-month period to come up with hopefully a more sensible policy.

Chairman Perkins. Well, let me state that I think we need to do just what you have suggested now, Mr. Leonard. And I will not be satisfied until we do take a broader look and try to improve the legislation constructively, just like you gentlemen have all suggested. I will certainly work with you toward that end.

I would love to just keep right on here, but the hour is late and we have a vote on the floor. Let me thank all of you on this distinguished panel for your appearance here today. We will continue to work together to obtain the best school lunch program that we possibly can.

Thank you all.

[Whereupon, at 3:55 p.m. the subcommittee adjourned, to reconvene at the call of the Chair.]

[The following material was submitted for the record.]

Statement of Hon. Edward I. Koch, a Representative in Congress from the State of New York

Mr. Chairman, I am pleased to submit this statement in support of the Child Nutrition Act of 1973. You are to be commended on your efforts to extend child nutrition programs to include a national program of nutrition education, as well as supplying needed meals.

I have joined you in this effort by introducing H.R. 7155, which is similar to your H.R. 4974, which the addition of an amendment to Section 5(b) of the Child Nutrition Act regarding nonfood assistance.

In Section 12 of H.R. 4974, there is an amendment to Section 5(e) of the Child Nutrition Act of 1966. This amendment provides that through fiscal year 1975 half of the funds appropriated for nonfood assistance must be reserved to assist schools without a food service. The amendment made by this section provides that the term "schools without a food service" includes those schools which have initiated food service on a temporary and emergency basis and desire to establish an improved and more effective food service on a permanent basis to better meet the needs of children in attendance.

I strongly endorse this provision as it would help those needy schools that have established a cold food service, but lack the necessary funds to purchase equipment necessary to serve hot meals. There are schools in my district that serve cold meals and would like to provide the children with hot meals. These schools serve children from lower socioeconomic areas and need a 100% federal contribution to purchase the necessary equipment. However, since they already have a cold food service, under present law, they are not eligible for the 100% federal contribution under Section 5(e).

I would urge that upon passage of this section, the Committee report specify that schools that have initiated food service on a temporary and emergency basis can be schools that had such service prior to the passage of the Child Nutrition Act in 1966.

I would also urge your favorable consideration to amend Section 5(b) of the Child Nutrition Act to permit the Secretary to waive the 25% local contribution for the cost of any equipment now mandated by law. As you know, some school districts, particularly parochial schools from low income parishes, are unable to afford even the ¼ contribution.

The Secretary of Agriculture should have discretion to waive this matching requirement in such circumstances where the school is particularly needy.

I am sure the Chairman will recall the recent television documentary entitled "Prescription: Food" which depicted the problems of malnutrition and hunger in American children today. It showed how children deprived of nutritious foods can suffer irreversible physical and mental damage.

I know your efforts have been instrumental in helping to correct this situation, and I urge your consideration of these proposals.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., July 20, 1973.

Representative CARL D. PERKINS,
Chairman, Committee on Education and Labor, General Subcommittee on Education, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: I appreciate very much having been invited to testify in your hearings held on Wednesday, July 11. It was very unfortunate that I was unable to attend. The long distance and lack of travel funds precluded my attendance.

I did want, however, to write in full support of your bill, H.R. 4974, which is so badly needed to start better nutrition programs for children through our nation's school system. The aims and purposes of your bill are completely within the recommendations of the Panel on Nutrition Education in Elementary and Secondary Schools which I chaired at the White House Conference on Food, Nutrition, and Health in 1969.

A special need to promote nutrition education in the United States is the employment of a nutrition education specialist in every state as outlined on page 2 of your bill. In addition, I feel it is very important that the Office of Education also have funds for a full time nutrition education specialist with a staff to coordinate the various state programs.

Thank you again for the interest of you and your committee in this extremely important subject.

Sincerely yours,

GEORGE M. BRIGGS,
Professor of Nutrition.

CARMEL CLAY SCHOOLS,
ADMINISTRATIVE OFFICES,
Carmel, Ind., July 3, 1973.

Mr. ELWOOD H. HILLIS, M.C.,
Congress of United States,
Washington, D.C.

DEAR MR. HILLIS: Sorry, I neglected to get you an answer to your letter about H.R. 4974, after school was out for the Summer.

You asked that I send you a personal testimony on the need for Nutrition education with the School Lunch Program.

If "Junk Foods" are going to be allowed in the Schools at lunch hour—all of the work Food Services have done in the past will be lost. Also if School organizations will be allowed to sell these "junk foods" the Schools might as well close their Kitchens and forget what they have been struggling to do about nutrition.

Where would be a better place to teach Nutrition than the School lunchroom with the cooperation of administration, pupils and parents of the community.

We have spent a great deal of money on equipment and training to make our School Cafeterias "the place"—most schools have made to prepare wholesome, nutritious lunches the Communities' children are fed. These kitchens have been equipped with tax dollars and most of them are trying to feed our nation's children the balanced diet they should be eating in their homes. But have parents that don't know what a balanced diet is and many do not even care.

Through this school lunch program, it has been our goal to teach the children so they will know and will learn how to eat nutritious foods that parents and grandparents of these children never ever taught—*the importance of good eating habits!*

I hope my pleas for omiting "junk foods" from our schools will not be in vain.

Thank you.

Sincerely,

Mrs. Ima Bower.

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